

Teton County Idaho - Commissioners Meeting Agenda
MONDAY, August 12, 2012 - REVISED
LOCATION: 150 Courthouse Drive, Driggs, ID 83422 (208-354-8775)

Individuals addressing the Board will approach the podium and state their name for the record.
If you have handouts, please provide the Clerk or staff with that document in advance for copying.

***** PLEASE SILENCE ALL CELL PHONES *****

- 9:00 AM **Meeting Called to Order** – Chairman Park
Pledge of Allegiance & amendments to agenda if any.
- “Morning Mic” – Public Q & A**
(If no one volunteers to speak, the Board will conduct Administrative Business)
- 9:30 **DEPARTMENT BUSINESS**
- Ambulance Service District – Robert Veilleux
1. Approve Available Minutes
 2. Quarterly Update
- Emergency Management – Greg Adams, Coordinator
- 10:00 Public Works – Jay Mazalewski, Engineer
1. Solid Waste
 2. Road & Bridge
- 11:00 Planning, Building & GIS – Staff
1. Planning & Building Permit Approval(s), *if necessary*
 2. Teton Springs Heli-Pad TUP
 - a. Letter from Jeff Naylor
 - b. Letter from Bill Nesbitt
 3. Contract Planner Report – Stephen Loosli
 4. Public Hearing Procedures Policy - Prosecutor Spitzer
 5. Request for Staff Comp Time
- BREAK**
- 1:00 Fair Grounds Arena Building Update – Jay Mazalewski
- 2:00 **Teton Valley Business Development Center (TVBDC)** – Roger Brink
1. Idaho Department of Commerce MOU
- FY 2014 Budget** – Clerk Hansen
- Administrative Business** *will be dealt with as time permits*
- Approve Available Minutes
 - Discuss Correspondence & Sign Documents
 1. TSCD Letter of Support – IDEQ319 Grant
 2. TCWY Weed & Pest Letter to TCID
 3. Judge Shinderling re: County/State Funding Collaboration
 4. Teton Valley Health Care 2QTR Report
 - Other Business
 1. Gifting of PTO/Comp Time
 2. PA Interview & Qualifications Discussion
 - Committee Reports
 - Claims

Adjourn

To: Teton County Ambulance Service District

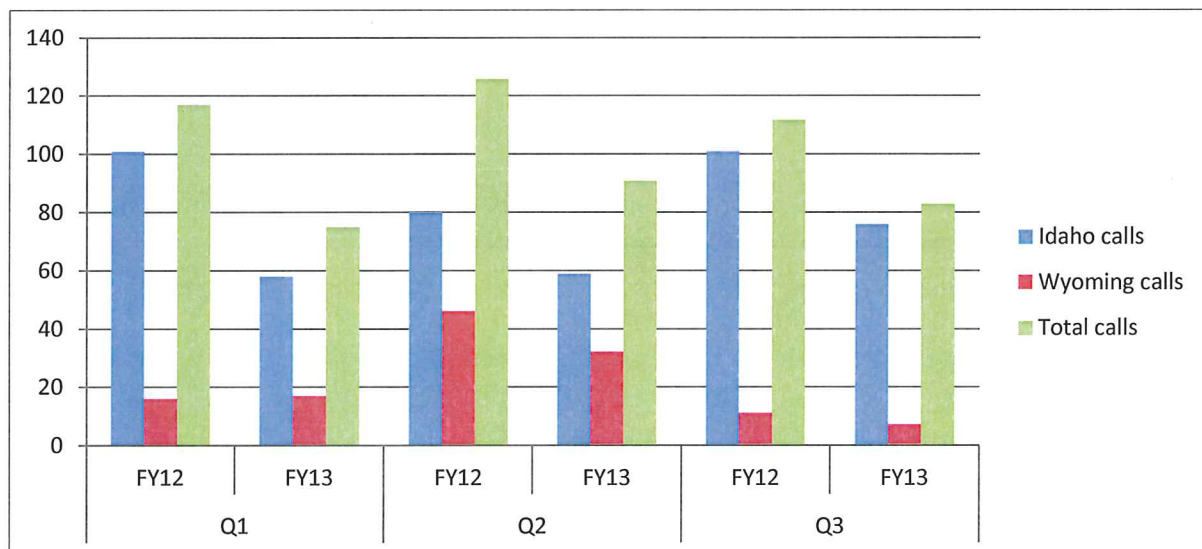
From: Teton Valley Ambulance

Re: 3rd Quarter for FY 2013 Report

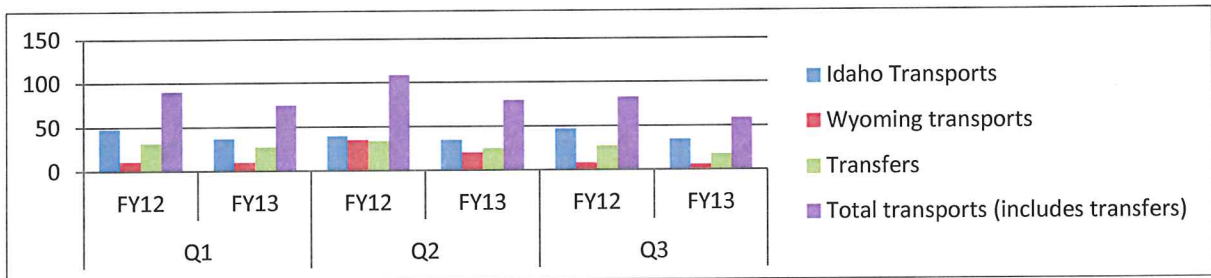
Overview: Quarterly comparisons from FY 12 and FY 13 are shown below:

Overall, all types of calls and transports are trending down from FY2012. Now there are two separate charts – one showing call volume and one showing transports and transfers. This makes the chart less busy as we enter the information for the 3rd and then the 4th quarter.

TOTALS	Q1		Q2		Q3		Q4	
	FY12	FY13	FY12	FY13	FY12	FY13	FY12	FY13
Idaho calls	101	58	80	59	101	76		
Wyoming calls	16	17	46	32	11	7		
Total calls	117	75	126	91	112	83		

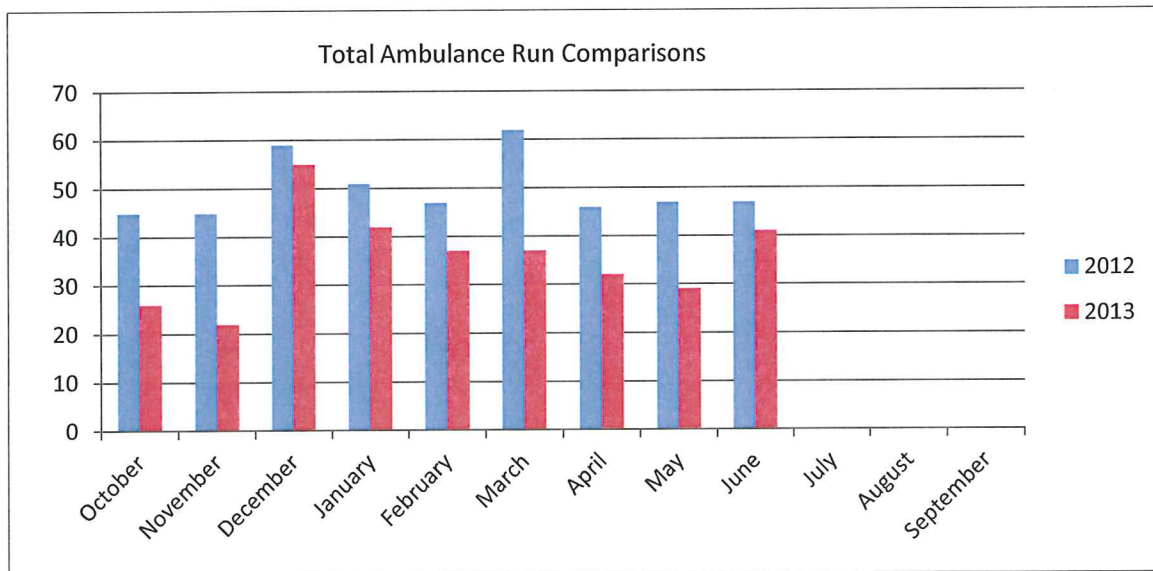


TOTALS	Q1		Q2		Q3		Q4	
	FY12	FY13	FY12	FY13	FY12	FY13	FY12	FY13
Idaho Transports	48	37	40	35	47	35		
Wyoming transports	11	10	35	20	8	6		
Transfers	32	28	34	25	28	18		
Total transports (includes transfers)	91	75	109	80	83	59		



Discussion

Attachment A provides a breakdown on where the decreases were. Year over year totals for runs are shown below:



Training Activities:

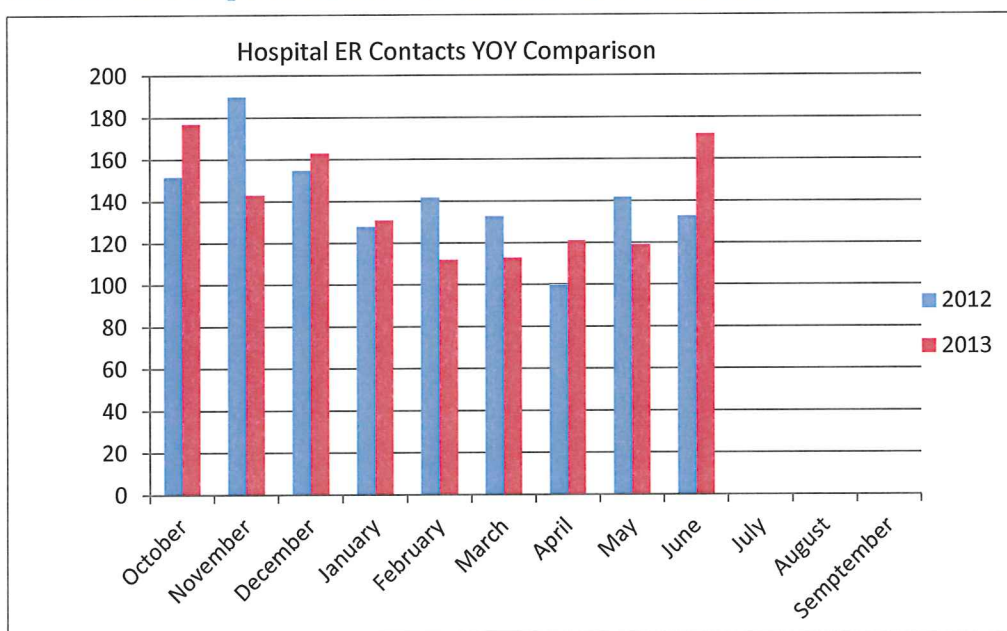
A Training plan was reviewed by the Medical Director, Training Officer, and EMS director. The plan has been accepted and continues to be in place. The training needs will constantly be reviewed and adjusted to meet the changing State and National requirements. Currently the staffing plan for the Training Officer position is being reviewed to both meet the constant changing requirements and work within the approved budget.

Most of our Paramedics will be relicensing in September 2013 with the rest relicensing in March 2014. The new relicensing period is two years and we have budgeted for and will be teaching and bringing courses in to meet the requirements of the state.

Statistical Detail

Detailed ambulance runs – statistics for Alta, GTSR, Teton Pass, Victor, Driggs and Tetonia can be found in Attachment A.

Number of Hospital Patients cared for by TVA EMTs:



As we look at the above numbers it shows that when TVA/TVH personnel are not on a 911 call they are continuing to make patient contacts utilizing their skills and knowledge (Year to date contacts of 1,251 are almost equivalent to the same period's numbers for FY 2012, which were 1,275.). This equals experience and experience equals better patient care.

Staffing: Breakdown of staffing, training levels, and full time and pool personnel.

Level	Total	Fulltime	Pool	Half-time
EMT-Bs	7	0	7	0
EMT-As	7	3	3	1
EMT-Ps	10	5	6	0
Total	24	8	16	0

From last report until this report staffing has remained the same.

Vehicles and equipment: Ambulance inventory, mileage, and age.

Item	Mileage
Ambulance 1: 2009 Ford	40,389
Ambulance 2: 2004 Ford	87,446
Ambulance 3: 1999 Ford	69,678
Ambulance 4: 1992 Ford	72,048
EMS 1: 2008 Chevy Trailblazer	68,982

Billings (Gross revenue): Quarterly report of ambulance runs billing.

1. 1st Quarter FY 2013 - \$82,740
2. 2nd Quarter FY 2013 - \$91,858
3. 3rd Quarter FY 2013 - \$65,478
4. 4th Quarter FY 2013 -

Medical Direction/Departmental organization changes.

- Medical Director (Eric Johnson, MD) – No change.
- Removed Training officer working on filling that position. This is not a separate paid position; it has been filled with a full time paramedic.

Special events and public service:

- Standby for fire/S&R/Sheriff --- 2
- Event Standby's --- 2

Public Education and Service:

- PR event--- 2
- CPR Classes--- 3

Mutual Aid Agreement/Protocols

- MOU – Completed and signed
- Integration of Care protocol – Completed.
- Dispatch protocol – Completed and signed

Grants and fundraising:

- We received two EZ-IO kits from the State pediatric Grant.
- Applied for State EMS dedicated grant. Recently received confirmation that TVA was awarded \$15,000 toward new Zoll Cardiac Monitor and \$2,800 toward a new Autovent/CPAP machine.

Ambulance Run Summary
Fiscal Year 2013

Insert A

	1st Quarter				2nd Quarter				3rd Quarter				4th Quarter				Fiscal YTD	FY
	Oct	Nov	Dec	Tot	Jan	Feb	Mar	Tot	Apr	May	Jun	Tot	Jul	Aug	Sep	Tot	(2013)	(2012)
Driggs	9	7	13	29	8	8	8	24	14	7	18	39				0	92	
Transport	6	6	7	19	3	6	5	14	2	3	8	13				0	46	
Victor	5	7	11	23	12	5	7	24	8	9	14	31				0	78	
Transport	3	4	7	14	9	3	3	15	5	7	6	18				0	47	
Tetonia	2	0	4	6	7	1	3	11	1	4	1	6				0	23	
Transport	1	0	3	4	3	1	2	6	0	3	1	4				0	14	
Alta	0	0	1	1	1	3	8	12	2	0	2	4				0	17	
Transport	0	0	0	0	1	3	4	8	1	0	2	3				0	11	
GTSR	0	2	13	15	9	8	3	20	2	0	1	3				0	38	
Transport	0	1	8	9	4	7	1	12	2	0	1	3				0	24	
Teton Canyon	0	0	0	0	0	0	0	0	0	0	0	0				0	0	
Transport	0	0	0	0	0	0	0	0	0	0	0	0				0	0	
Other Wyoming	0	0	1	1	0	0	0	0	0	0	0	0				0	1	
Transport	0	0	1	1	0	0	0	0	0	0	0	0				0	1	
Standbys	2	1	2	5	3	0	0	3	1	0	1	2				0	10	
Flight Team	0	0	0	0	0	0	0	0	0	0	0	0				0	0	
2nd Amb Call back									0	0	1	1				0	1	
Air Idaho Helicopter	0	1	0	1	0	1	0	1	0	0	1	1				0	3	
EIRMC	6	5	8	19	4	10	8	22	2	8	2	12				0	53	
BHC	1	0	1	2	0	0	0	0	2	1	0	3				0	5	
Madison	1	1	2	4	1	0	0	1	0	0	3	3				0	8	
Jackson	2	0	0	2	0	0	0	0	0	0	0	0				0	2	
Portneuf	0	0	1	1	0	2	0	2	0	0	0	0				0	3	
Boise	0	0	0	0	0	0	0	0	0	0	0	0				0	0	
SLC	0	0	0	0	0	0	0	0	0	0	0	0				0	0	
Airport	0	0	0	0	1	1	1	3	4	0	0	4				0	7	
EMS1 Responses	1	0	2	3	0	0	0	0	0	0	0	0				0	3	
BLS	9	14	20	43	10	15	22	47	17	12	23	52				0	142	
ILS	2	4	3	9	5	5	3	13	3	4	7	14				0	36	
ALS	16	6	31	53	19	18	12	49	11	12	13	36				0	138	
ER Contacts	178	140	157	475	131	112	113	356	121	119	172	412				0	1243	

Totals	1st	2nd	3rd	4th	Tot.	Average Response Times		Shortest	Longest
Total Idaho Calls	58	59	76	0	193	Driggs:	0:04	0:01	0:15
Total Idaho Tnsps	37	35	35	0	107	Victor:	0:11	0:05	0:20
Total Transfers	28	28	22	0	78	Tetonia:	0:12	0:10	0:30
Total WY Calls	17	32	7	0	56	Alta:	0:19	0:16	0:25
Total WY Tnsps	10	20	6	0	36	GTSR:	0:18	0:16	0:30
Total Calls	103	119	105	0	327	911 Call Time:	0:12	0:09	0:24
Total Transports	75	83	63	0	221	Transfer Time:	3:45	2:31	7:05



TETON VALLEY AMBULANCE

Ambulance District Commissioners,

We have received two EZ-IO kits from an Idaho Pediatric Grant. These items were part of the budgeted ALS equipment needs for ambulance two and three. With your approval I would like to purchase four King Vision laryngoscopes.

The King Vision – A video laryngoscope – is the new gold standard for EMS providers, ensuring that safe, patent, secure airways are established with simplicity and rapidity. In Teton Valley, transport times often exceed twenty minutes or more which accentuates the need for precise alternative airway placement. Three times in 2012 endotracheal tubes were placed in patients on Teton Valley Ambulance. Although all paramedics do routine rotations through the Operating room with a nurse anesthetist, performing regular intubations, the skill is not an everyday practice. National standards say that the accuracy of placement of the endotracheal tube is suboptimal, indicating that every time a laryngoscope blade is placed into a patients' mouth, no matter the provider skill level, a measure of trauma is caused. Every time visualization is attempted and every time an unsuccessful tube is placed and removed, trauma is caused and swelling and some bleeding result causing the subsequent attempts to become harder if not impossible. The King Vision enables the provider an adequate video visual of the airway which promotes success the first time, causing the least injury to a patient and the greatest success of a definitive airway. Due to the transport times and distance to definitive treatment, the King vision is necessary to ensure Teton Valley residents with the greatest opportunity for treatment and recovery.

Please see attached quote for the cost of these items. The quote is for four Kits. The purchase would be to place one on each of the three ambulances and one for training and a spare.

Robert Veilleux, NREMT-P
Director of EMS
Teton Valley Health Care
Teton Valley Ambulance
Driggs, Idaho
208-354-2383 x121



Quotation

Making Precious Minutes Count...™

PHONE (800) 533-0523 FAX (800) 257-5713
www.boundtree.com

Quote Number	98099314
Date	5/9/2013
Page	1 of 1
Expiration Date	07/08/2013
Entered By	LSMITH

Bill To 109238
TETON VALLEY HOSPITAL
120 EAST HOWARD AVE
ACCTS PAYABLE
DRIGGS, ID 83422
US

Ship To SHIP002
TETON VALLEY HOSPITAL
120 E. HOWARD
DRIGGS, ID 83422
US

Customer Number	Account Manager	Shipping Method	Payment Terms			Ref Number
109238	DAN LABRECQUE	BEST WAY	NET 30			10053881
Item Number	Description	Quantity	UoM	Unit Price	Ext Price	
2144-KV311	King Vision Kit incl 1 Reusable Digital Display, 3 Channeled Disp Blades, 1 Standard Disp Blade, CD	4	BX	\$1,071.750	\$4287.00	
2144-KV031	King Vision Video Laryngoscope Blade, Standard, Disp, 13mm, w/White LED, Digital CMOS Camera 10ea/bx	1	BX	\$228.900	\$228.90	

Thank you for the opportunity to provide this quotation. If you have any questions or are seeking additional products, please contact your Account Manager or visit www.boundtree.com.

Subtotal	\$4,515.90
Freight	\$0.00
Tax	\$0.00
Total	\$4,515.90



Teton County

Emergency Management & Mosquito Abatement

Department Report 7/9-8/8/2013
Greg Adams, Coordinator/Director

Teton Creek Grant Project Update

All of the permits are in place, along with all of the letters of agreement from the different property owners. MD is working on finalizing the cost estimate and we should have that before the BOCC meeting on Monday so that we can then enter into a contract with them to begin the construction phase of the project. The total amount spent on the project to date, (including our personnel time match) is \$93,957.22. 32% of the project tasks have been completed, along with 29% of our match obligations.

Projects Accomplished

On July 30th and 31st I was able to teach two fire extinguisher training classes to employees of the County. About 8 people attended the training. If there is any other interest for me to put on more classes, I can request the training system from the region and put on a class whenever we want to.

On July 31st I was able to give a presentation to our local Rotary Club on business preparedness planning. During the presentation I walked them through the planning steps, and got them as far along the process as possible given the time restraint of the meeting.

On July 24th mosquitos in Teton County Wyoming tested positive for West Nile Virus in the West Gros Ventre Butte area. They haven't had any animal or human cases reported yet, however with this increased threat being identified in our neighboring jurisdiction we are increasing our trapping and testing efforts. If West Nile presence is identified in our district our treatment options as well as our public outreach activities will expand. In Idaho; Ada, Canyon, Gooding, Owyhee, Payette, Twin Falls, Valley and Washington Counties have all had mosquitos test positive for West Nile, however so far there are only two human cases which are both in Payette County and two horse cases; one in Ada and one in Canyon Counties.

Future Projects

Last year I submitted a grant application to fund a revision of our All Hazard Mitigation Plan (AHMP). This plan helps us identify and prioritize our hazard vulnerabilities and create strategies to address our most pressing concerns. In order to be eligible for any FEMA mitigation grant funds we have to have an up to date AHMP, and our current plan will be 5 years old this December which is the FEMA required revision period. The project includes hiring a planner to write the revised plan with a total cost of \$24,472.50 including our non-cash match of personnel time, facilities usage, travel and supplies of \$6,120. Since this isn't a new application I didn't submit a permission form, but just so you know, I am applying for it again for this grant cycle. The grant application period ends in October with the successful candidates being notified within about 6 months.

Future Appointments

8/10	Regional Emergency Radio Communication meeting in Rexburg 7 to 5
8/13	Eastern Idaho Volunteer Organizations Active in Disaster meeting 2:30
8/15	ASPR meeting in IF 12-5
8/21	MAD Board meeting 6:30
8/25-30	EMI Class in Maryland
9/3	Teton County Radio/LEPC meeting 2:30-5



WK: 208-354-0245
CELL: 208-313-0245

Teton County Engineer
MEMO

150 Courthouse Drive
Driggs, ID 83422

August 8, 2013

TO: Board of County Commissioners
FROM: Jay T. Mazalewski, PE
SUBJECT: Public Works Update

The following items are for your review and discussion at the August 12, 2012 meeting.

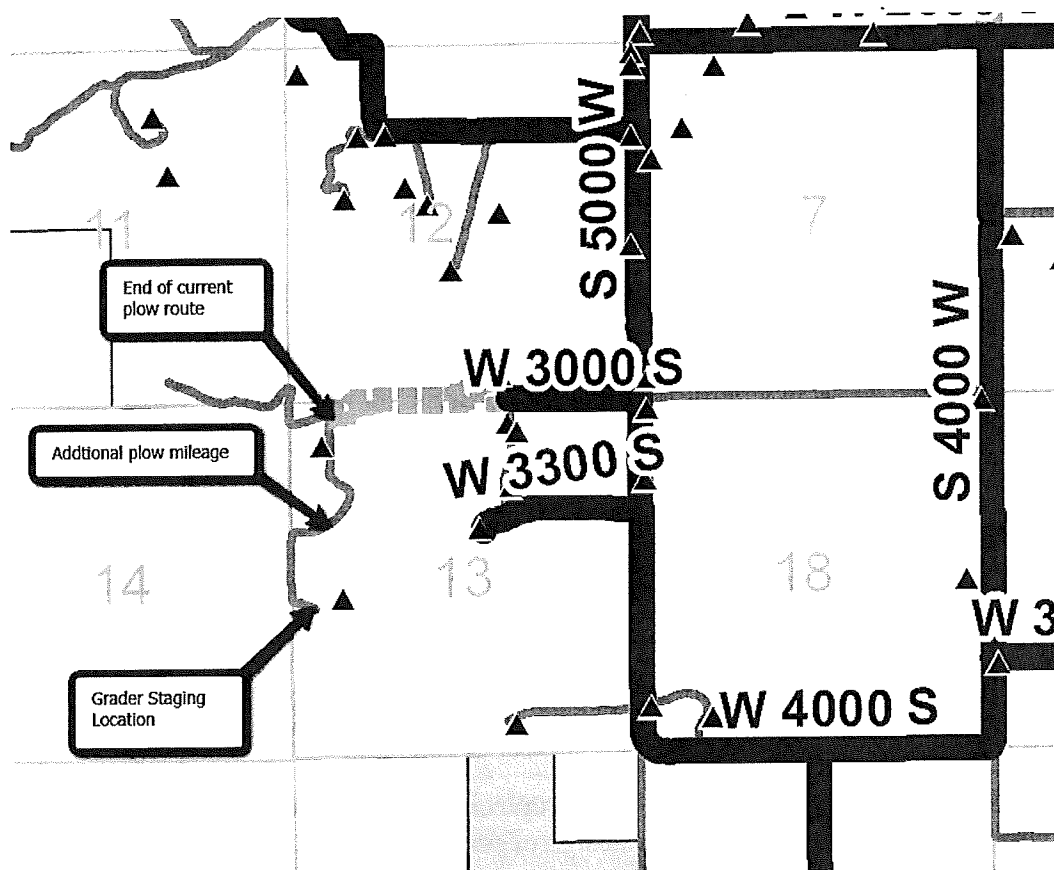
SOLID WASTE

1. Please see the update from the Solid Waste Supervisor.
2. Forsgren completed the test pitting on the landfill cap and we are awaiting the soils/modeling results.

ROAD & BRIDGE

1. I attended the IWorQ conference in Logan UT last week. IWorq is the asset management program we use for assessing, tracking, and monitoring our road signs and road conditions. The P&Z Department also uses this for tracking permits.
2. R&B will be chip sealing Tuesday, Weds, Thursday this week. We will begin on Bates Road (between 5000W-7000W), continue to 1000E, and finish up in the City of Victor. Please note that the Bates Road treatment is an Otta Seal which initially looks like gravel but will be swept and with vehicle traffic, returns to looking like a paved surface (see E3000S from last year).
3. The worst sections of N500W (Val View Rd) were zipped earlier this summer and left as gravel sections. We would like to restore these sections back to a paved surface prior to winter plowing. The quick, multiple transitions between paved and gravel surfaces can catch a plow blade and result in a dangerous condition for the plow driver. It would cost approximately \$60K to patch these areas with about an inch of hot mix asphalt. Instead we are proposing to patch these areas with an Otta Seal which will match the existing surface type of the road. The freight, spreading and cost of the oil will be approximately \$25K and will take about 1 day. We have approximately \$32K remaining in the R&B Patching Budget. This is new patching/repair technique being tried by the R&B Department.
4. The RFB for crack sealing, rut filling, and seal coating the Victor-Driggs Pathway was released two weeks ago, and results are due August 9. I will have the bid results for you during my update. I hope to have this project completed by October 1.
5. Attached are the three design proposals for replacing the Fox Creek and Darby Creek bridges and culverts. I have budgeted for the design of one these projects in 2014. My recommendation is to design the replacement of the Darby Cr./2000E bridge and plan on the project being done in the fall of 2014. Which of the three crossings would the BoCC prefer to have designed and replaced?

6. We started the 5th Street zipping project last week.
7. Owen Construction ran out of material to make hot asphalt while they were setup and crushing in our Driggs Pit. They requested to trade/purchase some of our reject material to crush and make their asphalt aggregate. I agreed to this for the following reasons: we had/have purchased over 40 loads of asphalt from Owen during this time and were continuing to purchase asphalt, Owen would have mobilized into their pit to make the required material, this was left over material from our ¾" gravel crushing, and the county would realize a savings in our hot mix asphalt cost. I did not bring this to the BoCC as I believed it was a good arrangement for the county. I reviewed this with our attorney and determined that it was legal. However based on the negative feedback from local contractors, I will bring any similar future proposals before the BoCC.
8. Two of our road graveling projects on W4000S and S750W will probably not get done this year (approximately 2 miles). This is due to time constraints; I am looking at our remaining budget to see if we have available funds to hire contractors to haul gravel for one of these projects (approximately \$20K for W4000S).
9. One of the R&B operators is moving to a new residence in the County. The proposed move would place the operator on a private road approximately 0.75 mile from the end of a county plowed road. Typically our operators keep the plows and fuel at their residence during the winter months, as they begin plowing early in the morning. Is it acceptable for the employee to plow this additional section of private road to access and store his plow? Additionally, one section of this road will need some minor work to allow passage of the plow. If the employee moves, this road would not continue to be plowed by the county.



PUBLIC WORKS:

1. Clark Wireless is designing the LEC tower and antennas and will have a design ready to bid next week. The bidding for the tower and installation will be handled by Ormond Construction.
2. I would like to take vacation days on Friday 8/30 and Tuesday 9/3 (Labor Day Weekend).
3. Attached is a list of larger projects that I am working on or need to work on. This is an update of the list I provided to the BoCC in February.

Darby Creek in the Vicinity of S1000E

Proposed Scope and Budget

Harmony Design & Engineering | Jorgensen Associates | Biota

August 7, 2013

The following is a summary of the proposed tasks and estimated costs for the analysis and design of the proposed culvert/bridge crossings for Darby Creek in the vicinity of County Road S1000E.

Task 1. Topographic Survey \$7,500

A topographic survey will be completed on Darby Creek in the vicinity of County Road S1000E. The road corridor will be surveyed to the extent needed for the culvert/bridge designs. Approximately seven to ten cross sections within Darby Creek will be surveyed as well as the longitudinal profile of the channel thalweg for approximately 1,700 linear feet (see Figure 1). Included in this task is coordination with affected landowners to obtain access permission.

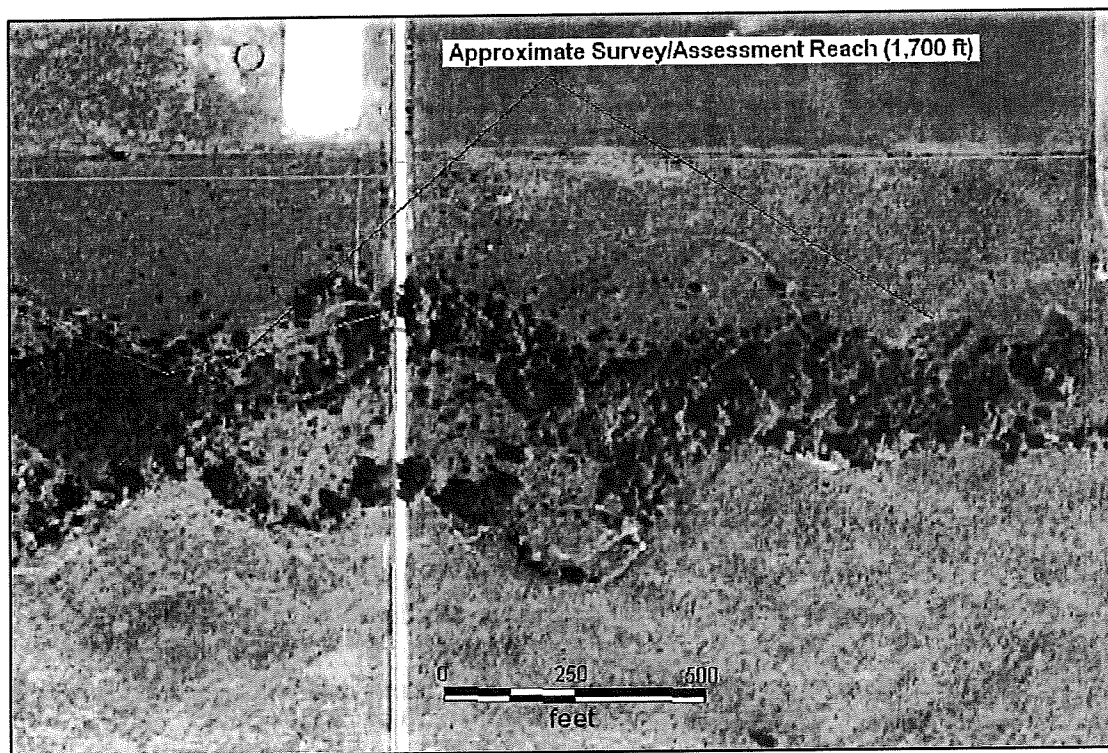


Figure 1 Darby Creek reach limits for topographic survey and channel assessment

Task 2. Stream Assessment \$3,800

An assessment of the existing conditions of the stream within the project reach will be conducted to include hydrologic, morphologic and hydraulic analysis. An evaluation will be completed in order to identify the source of instability and causes of flooding at the existing Darby Creek culvert crossings.

Task 3. Geotechnical Investigation

\$1,900

A geotechnical investigation will be conducted to include engineering analysis and recommendations for bridge foundation design. Design parameters will include bearing capacity, friction factor, and lateral earth pressure. Field work will include classification and characterization of site soils by excavating two exploratory test pits in the vicinity of the existing culverts. A sample of the bank material will be submitted to sieve analysis for purposes of filter design. A report summarizing the findings of the geotechnical investigation will be completed.

Task 4. Channel Stabilization Design

\$3,900

The Darby Creek stabilization treatment design will be based on the results of Task 2 and collaboration with Teton County Engineering Department. Design components will address adverse conditions pertaining to localized flooding, avulsion potential, bank erosion, sediment transport discontinuity, excessive channel width, and threats to county infrastructure, as needed. Conceptually, the design may include instream treatments such as rock barbs or deflectors, bank toe hardening, j-hook vanes, bioengineering treatments such as toe-wood, root wad revetments, log cribs or complexes, woody vegetation establishment, channel shaping, or vegetative transplants.

Task 5. Bridge/Culvert Design

\$12,900 (culverts)

The bridge or culvert design at S1000E will be coordinated with the channel stabilization design included in Task 4. A hydraulic analysis will be completed using HEC-RAS in order to determine the proper bridge and/or culvert dimensions required for proper hydraulic functioning. Design will include horizontal and vertical alignment of the bridge and roadway approach as well as structural design of the bridge abutments, wingwalls, and footings as applicable. Note that **\$4,000 per bridge should be added** for structural design. Plans and specifications for the structures will be assembled into a package suitable for bidding.

Task 6. Permitting

\$2,200

Applicable permits will be prepared and submitted on behalf of Teton County. These include Floodplain Development, IDWR Stream Alteration Permit, and ACOE 404 Permits. This task includes meetings and coordination with affected landowners to obtain signatures and permission to complete the proposed work.

Task 7. CLOMR and LOMR

\$18,200

Since the project is located in a Zone A Special Flood Hazard Area as shown on the FEMA FIRM, it is recommended that a Conditional Letter of Map Revision (CLOMR) be submitted to FEMA for approval prior to construction of the proposed bridge. After construction is completed, a Letter of Map Revision (LOMR) based on an as-built survey of the completed bridge will be required to be submitted to FEMA for approval. This task cost INCLUDES cost for an as-built survey and the FEMA filing fees of \$4,400 for the CLOMR and \$5,000 for the LOMR, which are current as of the date of this proposal.

Schedule

Our team can start the project within two weeks of receiving a notice to proceed, and we have the ability to complete the design so that it is ready for construction during the 2014 construction season.

Estimated Project Total

\$50,400

The total project cost is dependent on the type of structures selected. The cost above is for culvert type crossings that do not require additional structural design. If a single bridge was selected, the total estimated project cost would be **\$54,400**.

Darby Creek in the Vicinity of S2000E

Proposed Scope and Budget

Harmony Design & Engineering | Jorgensen Associates | Biota

August 7, 2013

The following is a summary of the proposed tasks and estimated costs for the analysis and design of a proposed bridge over Darby Creek in the vicinity of County Road S2000E.

Task 1. Topographic Survey

\$7,500

A topographic survey will be completed on Darby Creek in the vicinity of County Road S2000E. The road corridor will be surveyed past the vertical curve north of Darby Creek in order to evaluate the feasibility of raising the road to accommodate a bridge at a higher elevation than the existing bridge. Approximately seven cross sections within Darby Creek will be surveyed as well as the longitudinal profile of the channel thalweg upstream and downstream of the bridge (see Figure 1). Included in this task is coordination with affected landowners to obtain access permission.

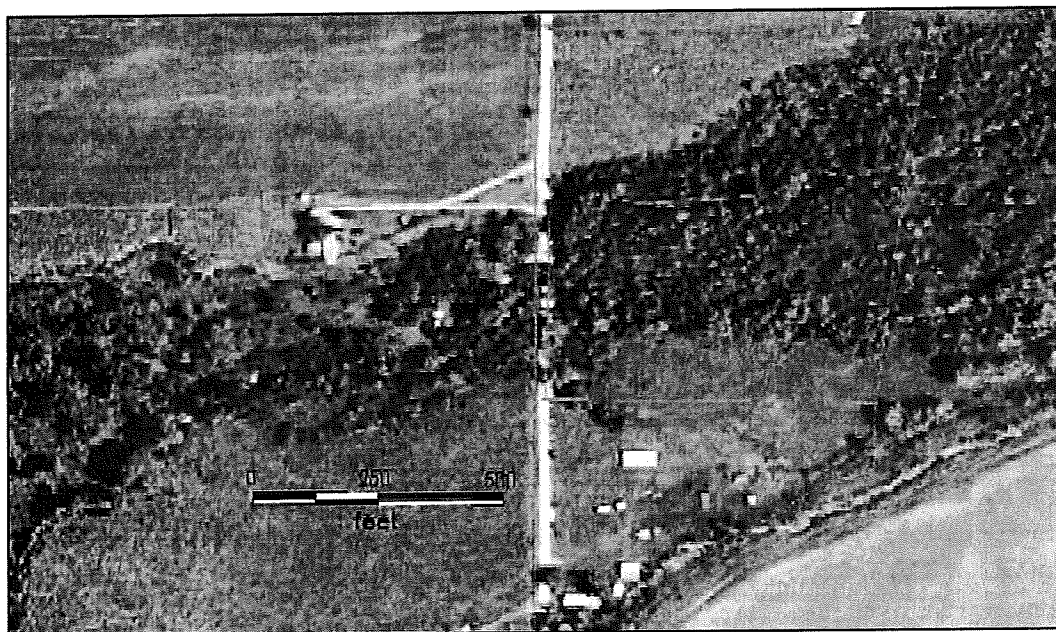


Figure 1 Darby Creek in the vicinity of S2000E

Task 2. Stream Assessment

\$1,800

An assessment of the existing conditions of the stream within the project reach will be conducted to include hydrologic, morphologic and hydraulic analysis. This evaluation will focus on the area around the existing bridge and will be conducted because the reach is incised and dominated by large bed material which may warrant adjustments to the channel geometry and bank stabilization around the proposed bridge.

Task 3. Geotechnical Investigation

\$1,900

A geotechnical investigation will be conducted to include engineering analysis and recommendations for bridge foundation design. Design parameters will include bearing capacity, friction factor, and lateral earth pressure. Field work will include classification and characterization of site soils by excavating two exploratory test pits in the vicinity of the existing bridge, one at the north abutment and one at the south abutment. A sample of the bank material will be submitted to sieve analysis for purposes of filter design. A report summarizing the findings of the geotechnical investigation will be completed.

Task 4. Bank Stabilization Design

\$1,430

Stabilization of the banks and channel in the immediate vicinity of the proposed bridge will be completed based on the results of Task 2 and collaboration with Teton County Engineering Department.

Task 5. Bridge Design

\$14,900

The proposed bridge design will be coordinated with the bank stabilization design included in Task 4. A hydraulic analysis will be completed using HEC-RAS in order to determine the bridge dimensions required for proper hydraulic functioning. Design will include horizontal and vertical alignment of the bridge and roadway approach as well as structural design of the bridge abutments, wingwalls, and footings. Plans and specifications for the structures will be assembled into a package suitable for bidding.

Task 6. Permitting

\$2,200

Applicable permits will be prepared and submitted on behalf of Teton County. These include Floodplain Development, IDWR Stream Alteration Permit, and ACOE 404 Permits. This task includes meetings and coordination with affected landowners to obtain signatures and permission to complete the proposed work.

Task 7. CLOMR and LOMR

\$18,200

Since the project is located in a Zone A Special Flood Hazard Area as shown on the FEMA FIRM, it is recommended that a Conditional Letter of Map Revision (CLOMR) be submitted to FEMA for approval prior to construction of the proposed bridge. After construction is completed, a Letter of Map Revision (LOMR) based on an as-built survey of the completed bridge will be required to be submitted to FEMA for approval. This task cost INCLUDES cost for an as-built survey and the FEMA filing fees of \$4,400 for the CLOMR and \$5,000 for the LOMR, which are current as of the date of this proposal.

Schedule

Our team can start the project within two weeks of receiving a notice to proceed, and we have the ability to complete the design so that it is ready for construction during the 2014 construction season.

Estimated Project Total

\$47,930

Fox Creek in the Vicinity of S500W

Proposed Scope and Budget

Harmony Design & Engineering | Jorgensen Associates | Biota
August 7, 2013

The following is a summary of the proposed tasks and estimated costs for the analysis and design of two sets of conveyance structures on Fox Creek in the vicinity of County Road S500W (Hwy 33 Frontage Road).

Task 1. Topographic Survey

\$7,500

A topographic survey will be completed on Fox Creek in the vicinity of County Road S500W, the Driggs/Victor pathway, and Highway 33. The road corridors will be surveyed to the extent needed for the culvert/bridge design. Approximately seven to ten cross sections within Fox Creek will be surveyed as well as the longitudinal profile of the channel thalweg for approximately 2,000 linear feet (see Figure 1). Included in this task is coordination with affected landowners to obtain access permission.



Figure 1 Fox Creek reach limits for topographic survey and channel assessment

Task 2. Stream Assessment

\$4,000

An assessment of the existing conditions of the stream within the project reach will be conducted to include hydrologic, morphologic and hydraulic analysis. An evaluation will be completed in order to identify the source of instability and causes of flooding at the existing Fox Creek crossings.

Task 3. Geotechnical Investigation

\$2,300

Based on the results of Task 2 and if it is practical for Teton County to move forward with structure and stream improvements, a geotechnical investigation will be conducted. A geotechnical

engineering analysis and recommendations for bridge foundation design will be completed. Design parameters will include bearing capacity, friction factor, and lateral earth pressure. Field work will include classification and characterization of site soils by excavating two exploratory test pits in the vicinity of each existing structure, one at the north abutment and one at the south abutment, for a total for four pits. A sample of the bank material will be submitted to sieve analysis for purposes of filter design. A report summarizing the findings of the geotechnical investigation will be completed.

Task 4. Channel Stabilization Design

\$3,750

The Fox Creek stabilization treatment design will be based on the results of Task 2 and collaboration with Teton County Engineering Department. Design components will address adverse conditions pertaining to localized flooding, avulsion potential, bank erosion, sediment transport discontinuity, excessive channel width, and threats to county infrastructure, as needed. Conceptually, the design may include instream treatments such as rock barbs or deflectors, bank toe hardening, j-hook vanes, bioengineering treatments such as toe-wood, root wad revetments, log cribs or complexes, woody vegetation establishment, channel shaping, or vegetative transplants.

Task 5. Culvert/Bridge Design

\$13,000 (culvert)

The bridge or culvert design for two sets of structures, one at S500W and the second at the pathway, will be coordinated with the channel stabilization design included in Task 4. A hydraulic analysis will be completed using HEC-RAS and will include all three linear crossings of Fox Creek (S500W, pathway, and Hwy 33). Design will include horizontal and vertical alignment of the structures and the roadway approaches and dimensions of the structures required for proper hydraulic functioning. If a bridge structure is selected, this task also includes structural design of the wingwalls, foundations and abutments and this will **add \$4,000 per bridge** for structural design. Plans and specifications for the structures will be assembled into a package suitable for bidding.

Task 6. Permitting

\$1,900

Applicable permits will be prepared and submitted on behalf of Teton County. These include IDWR Stream Alteration Permit and ACOE 404 Permits. This task includes meetings and coordination with affected landowners to obtain signatures and permission to complete the proposed work. Since the project site is not located in a Special Flood Hazard Area as shown on the FEMA FIRM, a Floodplain Development Permit is not required.

Schedule

Our team can proceed with Tasks 1 and 2 within two weeks of receiving a notice to proceed. Assuming that a notice to proceed is received by August 26th, these tasks can be completed in September with Task 3 (Geotechnical Investigation) being completed in October if Teton County Engineering determines it is beneficial to move forward with the project. This will allow Tasks 4, 5, and 6 to be completed over the winter season so that the project can be ready for construction during the 2014 spring/summer season.

Estimated Project Total

\$32,450

The total project cost is dependent on the type of structures selected for the two crossings. The range given above is for two culvert type crossings that do not require additional structural design. If two bridges are selected, the total estimated project cost would be **\$40,450**.



TETON COUNTY, IDAHO
ENGINEERING
150 Courthouse Drive
Driggs, ID 83422

Project: County Engineer Task List
Subject: Workload
Designer: JTM
Date: 8/9/2013

**Below is a list of tasks/projects as if 8/9/13 that I am currently working on or need to complete in the upcoming months*

Bid & Contract 3000W Bridge
Finalize Used Oil Containment System
TETON CREEK RESTORATION PROJECT
 Write contract for Teton Creek construction
 Construction oversight & Admin
LEC BUILDING
 Coordinate/Finalize Antenna Design
 Assist Tom Davis with the project
Review/Coordinate River Rim Applications
Coordinate Landfill Cap Engineering
Write/Bid/Contract annual fuel purchase
Coordinate Monitoring well design/installation
Bid & Contract pathway repairs
Design Rammell Mountain Road
Finalize Design, Bid & contract E5000S Rebuild
Design & permit 6000S (Swamp Rd) rebuild
Finalize, permit & bid Spring/Rapid Creek Culvert
Finalize Smith Canyon Access & Grant & construction
Create historic road plowing criteria
Update Transportation Capital Improvement Plans
Review TVCR recycling plan for Teton County
Finalize SW & Transfer Station Implementation Plan
Review Mud Lake road and plan for improvements
Coordinate & find funding for street sign replacement plan
Master Plan for vessel fund & boat ramp improvements
Master plan w/IDFG for Horseshoe Bridge/RR ROW river access
Master plan & CUP permit Public Works Campus at Transfer Station
Design SAR parking lot drainage & repair plan
Research and locate future gravel pit for R&B
Research and write Signs grant
Research & Write Parks & Rec. Grants
Coordinate with USFS, Cities, WY regarding Pine Creek Pass
Bid/Re-negotiate Trash Collection Contract
Design, Bid, Contract addition for the Fairgrounds building
Assist with Planning reviews
Bi-Weekly Updates



WK: 208-354-3443

CELL: 208-534-8710

svarela@co.teton.id.us

Aug 12, 2013

TO: Board of County Commissioners

Teton County

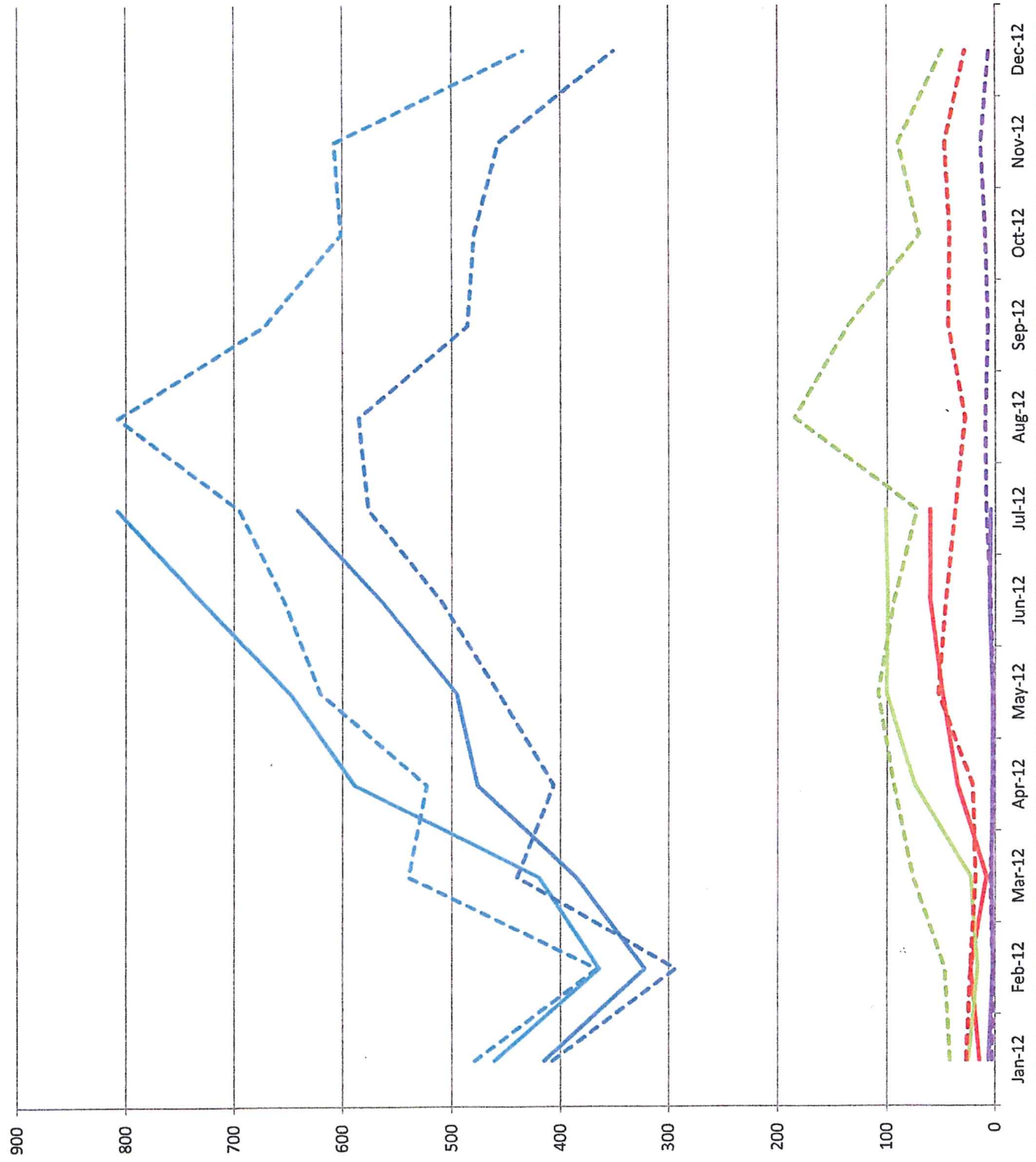
Solid Waste & Recycling

Memo

Scale House: 1088 Cemetery Rd.
150 Courthouse Dr.
Driggs, ID 83422

Subject: Solid Waste & Recycling update for your review and discussion at the Aug 12, 2013 meeting.

1. Inspection by Christy Swenson from DEQ – Christy Swenson was visiting the valley on the 20th of July and she conducted an inspection of the Solid Waste facility. She commented that she had no concerns. The only thing she wants to see addressed was the used oil site. The soil around the site is contaminated by oil spilled by the public when they are transferring oils from their containers to our holding tanks. We are in the process of building a secondary containment in a different area for our used oil tanks.
2. Loads of Cardboard – We sent 71 bales of cardboard on July 22nd for a total of 38 tons. The price for these loads was \$100/ton for a total of \$3,798.00.
3. Annual Totals in Received Materials at T.C.S.W. – I have attached the totals of received materials for this year up to the end of July. I've also attached a graph with last year's totals to compare this year's with. This shows about a 10% increase in materials received.
4. Resample of Monitoring Well #5 – We had Rocky Mountain Environmental resample Monitoring Well #5 due to having a positive reading. The second sample came back negative. The result of the first positive reading was a lab error.



TETON COUNTY SOLID WASTE & RECYCLING
MATERIAL COMPARISION GRAPH THROUGH JULY 2013

Dawn Felchle

From: Wendy Danielson
Sent: Thursday, August 08, 2013 3:56 PM
To: Dawn Felchle
Subject: Update for the Board

Dawn,

As of this afternoon I have 3 items that I know I will need to bring to the Board on Monday:

- A sign permit application
- A building permit application
- A survey for a boundary adjustment that is ready to record. Angie approved prior to leaving but documents were not ready in time for her to sign

There is nothing they would need to have ahead of time to read or prepare for.

I don't believe there will be anything else but ask that you won't hold me strictly to that.

Thanks,

Wendy Danielson

Land Use Services Assistant

Teton County Idaho

Planning, Building, GIS

150 Courthouse Dr. Room 107

Driggs, ID 83422

208-354-2593 x201



Teton County Planning Office
Teton County Idaho

August 5, 2013

Dear Planning Administrator,

In January 2013, Teton Springs Golf & Casting obtained a Temporary Use Permit for a limited heliski operation. This permit was predicated on the heli ski operation fulfilling fifteen conditions as agreed upon by the County Commissioners.

With respect to Condition #11, a heli ski ballot was mailed to each Teton Springs property owner, with the help of Grand Teton Property Management. The results of that vote are shown below. As you will note by the heli ski vote, the members of the Teton Springs HOA have again demonstrated a favorable response when asked to weigh in on the current heli ski operation. The Commissioners asked as part of Condition 11, and in accordance with the controlling CC&R's of Teton Springs PUD, that a Super Majority of voting membership (67%) was needed to approve in order to continue with current heli ski operations thru April 2015.

Helipad: 54% in favor.

Yes	194
No:	167
Total	361

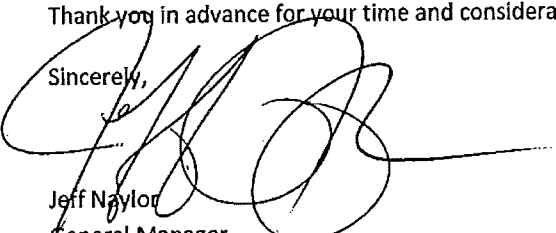
After our in-depth review of this entire process, the 67% Super Majority was only going to be required if our intention was to modify the original Development Agreement to allow helicopter skiing at Teton Springs. However, the lot used, 8C, is currently plated for commercial use. Therefore, the original designation of 8C as a heli pad allows us to continue to operate a heli ski operation, negating any need for a Super Majority voting member vote. All other conditions as outlined in the Temporary Use Permit have been met.

Thru this multi-year process and all of the ensuing conversations, meetings, feedback & conditions from various interested parties, Teton Springs Homeowners and governmental agencies, we are confident we are operating the best heli ski operation in the country in all aspects ; environmentally, safety, guest satisfaction etc.

We would like to request to meet with the commissioners on the 12th of August to review and discuss the TUP.

Thank you in advance for your time and consideration.

Sincerely,



Jeff Naylor
General Manager
Teton Springs Lodge

cc: Kathy Spitzer, County Attorney (email)



TEMPORARY USE PERMIT
TETON COUNTY T.U.P. # 2013-1 -T.S. HELI-SKI
REVISED 01/28/2013

GRANTED TO TETON SPRINGS GOLF & CASTING CLUB
FOR A LIMITED HELI-SKIING OPERATION
LOCATED ON TRACT 8C (HELIPAD) TETON SPRINGS GOLF & CASTING CLUB

Teton Springs Golf & Casting Club (TSGCC) along with High Mountain Heli-Skiing (HMHS), having made an application for a Temporary Use Permit for a **Limited Heli-Skiing Operation**, and the Planning Department and Board of County Commissioners having reviewed the application and determined that the required performance standards in Section 8-6-3 can be met, Teton County concludes that the applicant is entitled as a matter of law to the issuance of a Temporary Use Permit. TSGCC & HMHS are hereby granted a Temporary Use Permit to allow limited Heli-Skiing, as described in the Permit Application submitted January 2, 2013.

DATE OF ISSUANCE: January 2, 2013, effective immediately, amended January 28, 2013 by motion of the Board of County Commissioners

LOCATION: Lot 8C (helipad) Teton Springs Golf & Casting Club

LOT SIZE: 0.26 acres

PARCEL NUMBER: RP002208C0000A

ZONING DISTRICT: Teton Springs Golf & Casting Club PUD

PERMIT ISSUED FOR: The operation of the Teton Springs Golf & Casting Club helipad for a winter time heli-skiing operation, dates of operation to be December 25 through April 1 and operated by High Mountain Heli-Skiing as described in the application materials submitted to the Planning Office.

LIMITATIONS UNIQUE TO THIS TEMPORARY USE PERMIT:

1. The operation of the Teton Springs Golf & Casting Club helipad for a winter heli-skiing operation, dates of operation to be December 25 through April 1 and operated by High Mountain Heli-Skiing as described in the application materials submitted to the Planning Office.
2. This project is temporarily approved based upon all public hearing application materials for calendar years 2011 and 2012 and as supplemented with the flight path aerial pictures and description, and as conditioned or modified below. This TUP authorizes Teton Springs Golf & Casting Club to allow High Mountain Heli-Skiing to utilize Lot 8C, and Lot 8C only, during the ski season which is hereby delineated as December 25th to no later than April 1st. No other expansion of uses are authorized or permitted by this permit. Specifically, no scenic flights are authorized; only High Mountain Heli-Skiing flights are authorized for the purpose of delivering skiers to and from the USFS special use permit area. Skiers may be transported from Wyoming to Teton Springs on the day of their heli-ski activity. These flights plus flights for refueling will be counted as part of the High Mountain Heli-Skiing commercial helicopter flights coming to or departing from the Teton Springs helipad. For safety reasons, flights for mechanical problems or medical emergencies shall not be counted as part of the High Mountain Heli-Skiing commercial helicopter flights coming to or departing from the Teton Springs helipad.
3. As a condition of approval, the Owner or an agent of Owner acceptable to the County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs,

attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, the Planning and Building Department, or other County advisory agency, appeal board, or legislative body concerning the TUP. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.

4. Owner(s), Owner's agent(s) or Applicant shall comply with all applicable federal, state, and local laws, ordinances, and regulations, including the requirements of Title 8 of the Teton County Zoning Ordinance, as amended August 11, 2011 and subsequent amendments.
5. A fuel spill containment plan shall be maintained and a cover will be placed over the drain when fuel is present. Any liability and cost for cleanup of spills will be incurred by the applicant.
6. In order to minimize adverse noise impacts to valley citizens and to avoid the disturbance of eagle nests, the commercial flight path of the departing and incoming helicopter flights shall be to/from Teton Springs, Lot 8C, with a bearing between ~~160 degrees to 170 degrees~~ 140 degrees and 160 degrees (as depicted in Staff Report Section 4: flight Patterns). Commercial flights north of Teton Springs PUD are not authorized and flights north of Teton Springs, Lot 8C, may be made only for emergency reasons. Flights from Teton Springs to pick up skiers to the north of Teton Springs and/or the Driggs Airport are prohibited.
7. No more than 14 one-way flights are allowed in a single day with a maximum of 40 days of flying per season (December 25 – April 1). Hours of operation shall be restricted to between 9:00 AM and 5:00 PM with emergency flights as needed.
8. A flight log shall be maintained, including GPS tracking past the half-mile buffer from the eagle nest, and turned into the Planning and Building Department. The GPS tracking information shall be submitted to the Planning Department daily, but no later than 48 hours after the end of the last flight, and the monthly flight log shall be submitted to the Planning Department on a monthly basis (due the 10th day of the following month), with reasons for deviation from the time restrictions noted in the logs.
9. Loading and unloading of gear and clients from the helicopter shall occur only on the helipad located on Teton Springs Lot 8C.
10. Allowed Equipment: The Bell 407, or its equivalent or less noisy helicopter, shall be used.
11. Provided the 2012-2013 ski season has no significant and substantiated violations to the conditions 2, 4, and 5 through 10 above and 14 below, and by September 30, 2013 the Master Homeowners Association, in accordance with the controlling CC&R's of Teton Springs PUD, must approve by a super majority vote (67%) of voting members the continuation of the helipad operations as stated in the TUP with all its conditions as specified on November 15, 2012, then the helipad operations may continue until April of 2015.
12. Teton County may revoke the TUP if any of the stated conditions are not met and the flights will be grounded until such time as an appropriate remedy has been made. Multiple offenses to the stated conditions will allow the County to permanently stop the winter heli-skiing operation.
13. By April 30, 2015 Teton Springs Golf and Casting shall amend, with County approval, the Teton Springs Development Agreement to include a complete table or list of all uses within the Teton Springs PUD. In addition to including a provision for the heli-ski operations, and providing a list of all land uses, the amended Development Agreement shall define a process for reviewing and approving any alternate uses being proposed in the future. Per the County Prosecutor, the uses should be specific and not probable future uses. The uses should be defined and labeled on the plat.

14. The landing pad and flight path shall not be closer than one half mile from any active eagle nesting location (as determined by GPS coordinates) throughout the months of February through June. Teton Springs Lodge shall be responsible for determining the location of active eagle nests within one half mile of proposed landing pads and flight paths starting in February with the use of a qualified biologist approved by the Planning Department or the US Fish and Wildlife Service. Additionally, Teton Springs Lodge shall coordinate directly with the US Fish and Wildlife Service on issues related to the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act. Additionally, a statement is required from the operator that they will suspend operations or provide a Plan B in the event there are nesting eagles present within 1/2 mile during helipad operations.
15. The Teton County Idaho Fire Marshal shall inspect and approve the fueling operations.

REVOCATION AND MODIFICATION OF HOME OCCUPATION PERMITS:

Grounds for Revocation or Modification: The Planning Administrator may revoke or modify any temporary use permit granted for any one or more of the following reasons:

- a. There was a misrepresentation in the original application.
- b. One or more of the terms, conditions or uses upon which such permit was granted has been violated or altered.
- c. The use for which the permit was granted has become detrimental to the public health, safety, or welfare and such was not the condition at the time of approval.

Temporary Use Permit #2013-1-T.S. Heli-Ski

Granted by:

Angie Rutherford, Planning Administrator

Date

I acknowledge and agree to these conditions.

Jeff Naylor, Teton Springs Golf & Casting Club (TSGCC)

Date

STATE OF _____)

County of _____

On this _____ day of _____ in the year of 2013, before me, **Wendy A. Danielson**, a Notary Public in and for said State, personally appeared Jeff Naylor known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Notary Public

(seal)

Residing at:

My commission expires:

5:53pm PUBLIC HEARING Continued: Teton Springs Golf & Casting, LLC, Re-consideration of a request to amend the Teton Springs Development Agreement and Review of the 2011-2012 Season Heli-ski operation: Consideration of the Teton Springs Lodge heli-skiing operation for the 2011 – 2012 ski season from Tract 8C and review of the request to amend the Teton Springs Development Agreement to permit a wintertime only heli-ski operation from the Teton Springs Lodge.

Chairman Rinaldi stated for the record and the public that this was a continuation of a previous hearing. Because the board asked for specific information from the applicant, that information will be dealt with as new information and therefore the public will be allowed to comment, but only on that information which is new to these proceedings, which will specifically include the eagles' nests.

Applicant – Sean Moulton, attorney representing the applicant, acknowledged the accuracy in the information as provided by Mr. Paul D'Amours (letter on record). Mr. Moulton has spoken to both Mr. Mike Potter (original developer of Teton Springs) and Mr. Larry Booth (Planning Administrator for Teton County during original application and plat approval process). Both Mr. Potter and Mr. Booth acknowledged that the change on the plat of various lots within the Teton Springs PUD from "miscellaneous use" to "commercial" use was not intentional. Mr. Moulton stated that his client wishes to get the plat designation corrected and understands that to do that the request to amend the development agreement should probably be pulled from the table. The applicant would ask that the County extend the existing Temporary Use Permit (TUP) and allow all the lawyers and the planning staff to review the records and involve the home owners' association (HOA) to make the necessary corrections to the legal documents. The applicant is looking for future certainty of their operation and amending the development agreement at this time would not be appropriate. As the Board and the planning staff changes, the institutional memory can be lost with these complex developments. The change in definition of use is not an insignificant change and the planning administrator should not have made such a change. The current underlying zoning does not prohibit quasi-commercial use, of which there are some lots so defined. The applicant is willing to go to the master HOA and obtain a super majority vote to change the CC&R's and proceed with a zone change. Admittedly there is ambiguity in the definition of miscellaneous, but the use of the helipad is allowed. If someone wishes to take issue before a Judge, that is their right. Today, it is in the hands of the BOCC to do what is in the best interest of the community.

Jeff Naylor, the General Manager of Teton Springs Lodge & Spa spoke to the specific conditions and requests as outlined by the Board on September 11, 2012. The applicant did not have any issues with conditions 1, 3, 4, 6, 8, 10, 11, 12 & 13.

Condition #2 – the applicant requests that mechanical and medical emergency flights not be included in the allowable daily flight totals;
Condition #5 – the applicant will place a cover over the drain nearest the fueling area;
Condition #7 – the applicant requests that the hours be extended by 30 minutes to 5:00pm
Condition #9 – the applicant wants the option of using the parking lot on the east side of the hotel to pick-up and drop off clients;
Condition #14 – the applicant does not feel this should be a condition of approval. They are willing to sit down with the County and review all existing and future uses and get clarification.
Condition #15 – the applicant requested a change to: The applicant will hire a qualified biologist, approved by Planning Department, to determine if any nest within the ½ mile radius of the flight path and helipad, are found to be active. Applicant will communicate findings with the US Fish and Wildlife Service. High Mountain Heli agrees that if an active eagle nest, as determined by a qualified biologist, is located within the ½ mile radius of the heli-ski operation or flight path, the heli-skiing operation will be suspended.

Commissioner Benedict asked how and when the applicant proposes to meet the county's concerns addressed in condition #14 if it is not a condition of approval. The Board needs some guarantees that there will be legal clarification to a subdivision and a recorded plat that has been around since 2000. Mr. Naylor stated that certain lots are currently defined for certain uses. It is the desire of the owners of Teton Springs to meet with the County and further define the commercial use lots.

Chairman Rinaldi echoed the concern that if there is not a written record and directive, tied to the requested use, the County forfeits its ability to enforce its regulations. Commissioner Rinaldi suggested keeping it as a condition but perhaps adding more time to the determination process, allowing the staff, the Prosecutor and Teton Springs to come to agreement.

Mr. Naylor said the issue of GPS tracking will be addressed by the operator of High Mountain Heli-Skiing, Mr. Jon Schick. But to his knowledge, having GPS tracking was not a financially viable condition. The current tracking system on-board the helicopter has a transponder beacon which emits a locator tracking indicator every two to three minutes. Within this time frame, the helicopter will be in another location, rendering the system inaccurate for the purposes being required.

Commissioners Benedict and Rinaldi commented that the primary reason for this condition is to avoid the County being put into a position of arbitrating "he said, she said" disputes about when and where the helicopter is flying. To hold the operator accountable to produce data will give the staff a means of addressing public complaints. Given all the technology out there for tracking people, vehicles (Teton County tracks the activity of its Road & Bridge drivers) and animals, there has to be a solution and the operator needs to figure it out. If not GPS tracking, then what does the applicant suggest?

Mr. Naylor suggested that the staff come out and watch the take offs and landings.

Chairman Rinaldi stated that this option would not be good use of staff time. The "reported violation" has already occurred. Written documentation (flight log and GPS report) is needed to enforce the regulations based upon facts.

Mr. Naylor confirmed that the operator is willing to put a cover over the drain near the fueling area. This drain does not lead into culinary water or the public sewer system. It is connected to gravel sumps under native areas under the range.

Commissioner Benedict questioned the applicant contradicting themselves as it pertains to the homeowners' survey presented in September and Mr. Moulton having just stated that there would be a vote of the master homeowners' association. Mr. Naylor stated that had the survey been a vote, the description and question would have been for Lot 8C as a commercial lot. This would have been inaccurate and therefore rendering it null and void. Mr. Naylor agrees that a super majority vote of the master HOA will be needed based upon everything learned about the discrepancies in the development agreement, the master plat and the CC&R's.

Mr. Jon Schick spoke to the issue of GPS tracking. On their website, the current GPS program, as already mentioned, emits a locator beep every two to three minutes and it is not completely accurate. Mr. Schick understands that only the FAA's website can show a more frequent tracking of an aircraft's flight path. This site is accessible by government agencies in real time. The condition set forth along with the technology available will render false positives. Additionally you cannot go back and look at history for a given date and time.

Chairman Rinaldi asked how the operator currently gathers data to insure the pilots are staying on course or other options to provide the data.

Mr. Schick said there is nothing else available and did not offer any alternatives to do what the Board is asking.

Staff - 6:17pm Planner Curt Moore, reviewed the Board packet calling out correspondence from the Idaho Department of Fish and Game (IDFG) and members of the public. Rob Marin, Teton County GIS Manager, had prepared a map depicting the desired buffer zones and flight path

coordinates to minimize disturbance of the eagle nests. New nesting and eaglet information will not be available until late February, and gathering of data will continue through June. Mr. Moore commented that the areas to avoid are easily definable but monitoring the actual flights seems to be problematic. As already stated, the technology must be out there, but the staff has no knowledge or expertise in the area of GPS tracking, so at this time has no recommendation.

6:22pm Chairman Rinaldi opened the public comment portion of the public hearing.

Written Public Comment Received from: Herb Heimerl (attorney representing Master HOA), Paul D'Amours (attorney representing an Ad Hoc Committee of Teton Springs Homeowners), Valley Advocates for Responsible Development, Diane Murphy, Pamela & Lucian Carter, Cyndy & John Englehart, Ken Masters and David Work.

Public Comment

In Favor - None

Neutral - Herb Heimerl, attorney representing the Executive Board of the Master HOA. The Board operates on the basis that the plat governs any conflicts within the DA and CC&R's. Although neither a court of competence jurisdiction nor the County Commissioners have said one way or another, it is the belief of the executive board of the HOA that the lot in question should be described as being for miscellaneous use and not commercial use. It seems clear that the miscellaneous use is appropriate for the original intent of alternative transportation and emergencies, and not for commercial helicopter use. The HOA is not comfortable with interpreting the definitions and differences between the plat and the development agreement as it pertains to miscellaneous uses. There is some intrinsic evidence as to the intent that this not be a commercial helicopter pad, as documented in the original BOCC minutes as well as letters from Mr. Potter and Mr. Booth. Because there was not a resolution incorporating the minutes of the Board and this intent, the evidence is somewhat limited. If there is a change to the development agreement which would change a use as previously stated on the plat, a vote of the entire HOA would be required. There is no Idaho Law that deals with the amending of a development agreement which would then conflict with a recorded plat. Because the plat is the governing document, it is the plat which should be amended. A question for the County: Can you amend a development agreement that would effectuate a change of use on the plat, when the CC&R's say you cannot change a use on the plat without the vote of the entire HOA?

John Wilson, President of the Master HOA commented that the HOA has purposefully been silent because the plat says the helipad is there and that Lot 8C is a commercial property. It is the Board's understanding that the plat supersedes and trumps CCR's. The commercial helipad lot overrides the CC&R rules governing against excessive noise and fumes. This new information that Lot 8C may be incorrectly classified as commercial is frustrating and opens up a whole other set of problems if the lot is defined as miscellaneous and is under the rule of the CC&R's. Mr. Wilson would like to know if the current plat is valid. If it is valid, then the commercial lot overrules the CC&R's and the HOA does not have a say in this matter. It seems that the plat is valid, but that the intent was to not be a commercial lot. Not sure what the right answer is, but the HOA has no say in determining the legality of the documents in question.

Opposed - Chuck Iossi is a resident and homeowner in Teton Springs, and was involved in the ad hoc committee which hired Mr. D'Amours. Mr. Iossi spoke to both time and money spent to protect his investment and he feels strongly that the HOA should have a vote in determining how the land within Teton Springs is used. There are rules, the CC&R's, within a private community which governs what can and cannot be done and everyone is expected to follow these rules. Mr. Iossi would ask that the Board take the applicant up on the offer to take a vote of the entire HOA.

Casey Murphy is a retired ER Physician and the former Medical Director of Air St. Luke's. Mr. Murphy is well qualified to address the concerns of safety as it pertains to the helipad's proximity to other structures and pedestrian areas, the importance of fueling standards and dealing with spills and fumes. It is the Fire Marshal's responsibility to insure the fire safety as it pertains to the fuel operation. It is a good idea to place a cover over the drain near the fueling site. The helipad should have fencing around it to avoid the errant pedestrian from walking into, around or under the helicopter when on the ground, when approaching for a landing or during takeoff. Accidents are rare, but they do occur and every precaution should be taken. More safety checks need to be addressed and documented if there is going to be a commercial helicopter business operating within a residential community.

Pamela Carter and her husband Lucian are permanent residents in Mountain Meadows who purchased their property knowing there were certain regulations and they agreed to those constraints. There is a mechanism in place to insure conflicts are properly addressed, and that is through the CC&R's and a vote of the HOA. It has been established that it was a mistake to list Lot 8C as commercial rather than miscellaneous. There has already been two years of illegal use and the applicant knowingly ignores the conditions the BOCC has set forth. Mr. D'Amours letter is very clear that a vote of the HOA is required to approve this commercial use. The applicant says they will conduct a vote of the HOA next summer. Mrs. Carter asks that the Board not grant another temporary use permit until this vote takes place. This discussion should not even be in front of the Commissioners. This is a matter for the HOA and the owners of Teton Springs. Everyone is motivated to get the correct answers and she thanked the Board for their time over the past months. Put the responsibility on the applicant and the HOA to conduct the vote and take the necessary steps as established by the CC&R's.

Mrs. Carter gave the Board a letter from Mr. Lucian Carter, as Mr. Carter could not be in attendance. Chairman Rinaldi read the letter into the record. (Attachment #1)

Anna Trentadue, representing Valley Advocates for Responsible Development (VARD) stated that it is evident there are still many unresolved issues about the plat and the development agreement to even consider amending the development agreement. A temporary use permit will still allow the staff to review and revoke the permit if necessary. Mr. D'Amours letter and the question of the existing plat's validity, speaks to the many unresolved problems. Ms. Trentadue would like staff to determine which plat is the last valid plat amendment (it might not be the most recent plat). The map presented by staff shows that there is a conflict within the buffer area and the eagle nests and the flight path. The GPS coordinates of the helicopters flight path and those of the eagle nests are necessary for determining an alternate flight path. The County should not be the referee between the operator and unhappy residents. Based upon the map, the alternate landing site to the east of the lodge is within the buffer zone as well. This option should not even be considered because a second helipad is not designated on any plat of record. If the temporary use is granted, the identified Lot 8C (golf barn) should be the only allowable site. Use of the one site will minimize fueling concerns as well as proximity to trees and other buildings. The HOA is justified in their concern over the plat having more jurisdiction than their CC&R's, which they control. VARD does not recommend amending the development agreement.

Agency Comment (Neutral) – Rob Cavallaro, is a regional wildlife biologist with the Idaho Department of Fish & Game (IDFG). In recent weeks their office has been fielding calls from area residents asking for agency involvement. The role of IDFG with regards to eagle management is that the bald eagle is designated as an Idaho species of greatest conservation need, which means IDFG is concerned about the stewardship of the bald eagle. From a regulatory or legal standpoint, federal law is the enforcer, and the two relevant laws to this discussion are the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act. These laws protect the taking or killing of eagles as well as the disturbance of their courting and nesting areas. Primary regulatory authority is US Fish & Wildlife Service for human or helicopter disturbance. Calls to

local office get referred to the federal law enforcement office of Fish & Wildlife in Idaho Falls. The federal office can call the local office of Fish & Game and ask them for help with enforcing the laws. For the purposes of this specific situation there are three levels of regulations: (1) special use permit with the USFS; (2) county stipulations/conditions; and (3) federal law. Mr. Cavallaro stated that his local office has no regulatory authority. They act solely as an advisor to the Commissioners for the purposes of the Board's deliberation. Any guidance is given in the context of the agency's stewardship role to protect fish and wildlife in Idaho. In regards to eagle monitoring, IDFG partners with USFS and the BLM to collect data as it pertains to productivity. This level of monitoring does not allow for analysis of disturbances and the cause and/or effect on the eagles. At this stage, they have their hands full with just monitoring productivity and eaglet survival rates. Because of the productivity analysis, IDFG is able to make the suggestion of the ½ mile around and above a nest for productivity reasons. The buffer concept is sound. Exceptions or a variance in buffer might result in disturbance or territory abandonment. Residency is year-round within the valley on or near the territories. The courtship begins in February and eggs are laid typically in early March. This is the most sensitive time but not the only time. There has been failure both in the egg laying stage as well as the eaglet stage over the past several years.

6:57 pm Chairman Rinaldi closed the public comment portion of the hearing.

Applicant Rebuttal – Sean Moulton stated that the existing plat does say that Lot 8C is a commercial lot. There are multiple attorneys' opinions on record and they all differ slightly as to the definition of miscellaneous uses. The Board should not be the arbiter of what miscellaneous means. The applicant is willing to work towards a resolution between the plat and the development agreement. It is overly generous and unrealistic to think that the HOA vote could take place in a few weeks. There is significant education and publication that needs to occur in order to get a super majority determination. Working with the annual meeting in June would be the most practical. To clarify, the applicant has stated that they will use only the single site (Lot 8C), they will put a cover over the drain near the fueling operation, they have agreed to the revised flight path as depicted on the map and the heli-ski operation will be shut down by mid-April, well before the eaglet stage of May and June. Mr. Cavallaro stated that a direct correlation to the helicopter flights and the recent eaglet failures cannot be tied to one another.

Deliberation – Prosecutor Spitzer stated that there is uncertainty as to the process and validity of the plat amendments previously recorded for Teton Springs. Ms. Rutherford commented that there is documentation that shows then Chairman Trupp signed the plats after the changes, which were deemed insignificant, were approved administratively by the planning administrator. The minutes are not specific to when or why a change was made on the plat for defining Lot 8C for commercial use rather than miscellaneous use, and there is not a motion supporting such a change. Prosecutor Spitzer agrees with Mr. Moulton that within miscellaneous uses there can be commercial use.

Commissioner Rinaldi stated that the term commercial can cover a wide span of uses. The idea of possibly amending a development agreement without greater definition, this proposed use will be starting out on a foundation of uncertainty. Without looking at all the plats, it is difficult to know if this is an allowable use or not. The development agreement amendment is problematic.

Commissioner Park asked if the Fire Protection District (FPD) had cleared the fueling operation. The record shows the engineer signed off as it pertains to spill containment. There does not seem to be a record from the Fire Marshal signing off. Mr. Moore commented that the Fire Marshal was contacted over a year ago and that at the time no problems or issues were expressed. *Later in the hearing Mr. Moore read from a letter dated October 13, 2011 from then Fire Marshal Bret Campbell stating that the FPD had reviewed the CUP and found no violations. This*

letter was part of the Board's December 15, 2011 public hearing packet. The letter did not refer to the fueling operation.

Commissioner Benedict is glad to hear that a vote of the HOA will take place in the future. The lack of an alternative flight path and applicant's reluctance to monitor their flights is a problem. The County should not be put in a position of refereeing complaints between the public and the operator, when there are solutions available. It is also not appropriate for the County to be asked to interpret the rules within a development. Conflicts within the subdivision are civil matters, and should be dealt with as such.

Commissioner Rinaldi stated that the role of the county is also to minimize the liability to the county. It is not the County's role to be a referee, and everyone should be reminded that the County is not covered financially from land use decisions. Four attorneys have weighed in on what the allowable uses are based upon the plat, and all four have a different opinion. The Board can only deny or approve the use, and either decision will be wrong for someone.

Commissioner Park would approve another temporary use permit along with the IDFG doing spot checks to observe if there are any violations.

Commissioner Rinaldi would agree, but that the IDFG stated they did not have the resources to be on site to monitor. The preferred option would still be to have a GPS tracking system in place that would collect and store the data. She agrees with being frustrated at the lack of initiative by the applicant to find a viable solution. The accountability has to be placed on the operator and not on the County as referee. Commissioner Rinaldi wants a decision to insure that there is no ambiguity between the plat, the development agreement and the approved uses. This dilemma should not be passed on to future Boards. Regarding the public concerns mentioned it seems that there are still unanswered questions about fuel containment and the safety of the landing pad. Commissioner Rinaldi assumes the FPD has specific guidelines for monitoring fuel operations.

Commissioner Benedict stated that it is not the role of the Board to enforce those areas of public safety which are within the jurisdiction of the FPD. The Board can condition the applicant to place a cover over the drain when fuel is on site. Commissioner Benedict also believes that the validity and clarification of the plat is a priority in order to specify uses for the long term. The problem with another temporary use permit is getting the applicant to follow through on the conditions. Their lack of responsiveness in the past is not encouraging. Regarding the vote of the HOA, it should be a fair and timely process. To consider the continuation of the operation the vote must be a super majority (67%) in approval of the use. The applicant has one more shot, with no excuses, to get the information to all the homeowners, conduct the vote and then submit it to the County in a timely manner. As has already been stated, the tracking of the flights and handling the complaints is a problem. IDFG is not going to get dragged into monitoring these flights. If the applicant wants to operate, they will find a solution to tracking their flights so public complaints can be addressed with actual data. Commissioner Benedict agrees that amending the development agreement is not an option and repeating this process year after year is also not a long-term solution.

Prosecutor Spitzer stated for the record that the Board can deny the development agreement amendment application and can take immediate action to approve a temporary use permit (TUP). Unlike the conditional use permit process, the TUP does not require a public hearing process. However, the Board has heard the public on several occasions and has more than enough information to administratively issue the TUP with conditions. Prosecutor Spitzer asked the Board to extend the request to define the commercial uses to Spring of 2015 to allow for adequate time to for staff to pull together all the documentation as it pertains to all the development agreements and plats for Teton Springs and then for staff, the Prosecutor and the applicant to meet and draft all the necessary changes including the list of proposed uses, prior to it coming back to the Board for a public hearing.

The Board walked through all the conditions as previously stated and reviewed each one for accuracy, timeliness and relevance. The conditions outlined below in the motion is a result of this conscious deliberation.

• **MOTION.** 8:23pm Chairman Rinaldi moved to deny the request to amend the Teton Springs Development Agreement as presented. Motion seconded by Commissioner Park and passed unanimously.

• **MOTION.** 8:25 pm Commissioner Park moved to approve a Temporary Use Permit (TUP) for High Mountain Heli-Skiing and directed Planning Administrator Angie Rutherford to issue the permit with the 15 conditions as discussed and noted below:

1. The operation of the Teton Springs Golf & Casting Club helipad for a winter time heli-skiing operation, dates of operation to be December 25 through April 1 and operated by High Mountain Heli-Skiing as described in the application materials submitted to the Planning Office.
2. This project is temporarily approved based upon all public hearing application materials for calendar years 2011 and 2012 and as supplemented with the flight path aerial pictures and description, and as conditioned or modified below. This TUP authorizes Teton Springs Golf & Casting Club to allow High Mountain Heli-Skiing to utilize Lot 8C, and Lot 8C only, during the ski season which is hereby delineated as December 25th to no later than April 1st. No other expansion of uses are authorized or permitted by this permit. Specifically, no scenic flights are authorized; only High Mountain Heli-Skiing flights are authorized for the purpose of delivering skiers to and from the USFS special use permit area. Skiers may be transported from Wyoming to Teton Springs on the day of their paid heli-ski activity. These flights plus flights for refueling will be counted as part of the High Mountain Heli-Skiing commercial helicopter flights coming to or departing from the Teton Springs helipad. For safety reasons, flights for mechanical problems or medical emergencies shall not be counted as part of the High Mountain Heli-Skiing commercial helicopter flights coming to or departing from the Teton Springs helipad.
3. As a condition of approval, the Owner or an agent of Owner acceptable to the County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs, attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, the Planning and Building Department, or other County advisory agency, appeal board, or legislative body concerning the TUP. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.
4. Owner(s), Owner's agent(s) or Applicant shall comply with all applicable federal, state, and local laws, ordinances, and regulations, including the requirements of Title 8 of the Teton County Zoning Ordinance, as amended August 11, 2011 and subsequent amendments.
5. A fuel spill containment plan shall be maintained and a cover will be placed over the drain when fuel is present. Any liability and cost for cleanup of spills will be incurred by the applicant.
6. In order to minimize adverse noise impacts to valley citizens and to avoid the disturbance of eagle nests, the commercial flight path of the departing and incoming helicopter flights shall be to/from Teton Springs, Lot 8C, with a bearing between 160 degrees to 170 degrees (as depicted in Staff Report Section 4: flight Patterns). Commercial flights north of Teton

Springs PUD are not authorized and flights north of Teton Springs, Lot 8C, may be made only for emergency reasons. Flights from Teton Springs to pick up skiers to the north of Teton Springs and/or the Driggs Airport are prohibited.

7. No more than 14 one-way flights are allowed in a single day with a maximum of 40 days of flying per season (December 25 – April 1). Hours of operation shall be restricted to between 9:00 AM and 5:00 PM with emergency flights as needed.
8. A flight log shall be maintained, including GPS tracking to the power line, and turned into the Planning and Building Department on a monthly basis (due the 10th day of the following month), and that reasons for deviation from the time restrictions be noted in the logs.
9. Loading and unloading of gear and clients from the helicopter shall occur only on the helipad located on Teton Springs Lot 8C.
10. Allowed Equipment: The Bell 407, or its equivalent or less noisy helicopter, shall be used.
11. Provided the 2012-2013 ski season has no significant and substantiated violations to the conditions 5 through 10 above, and by September 2013 the Master Homeowners Association, in accordance with the controlling CC&R's of Teton Springs PUD, must approve by a super majority vote (67%) of voting members the continuation of the helipad operations as stated in the TUP with all its conditions as specified on November 15, 2012, then the helipad operations may continue until April of 2015.
12. Teton County may revoke the TUP if any of the stated conditions are not met and the flights will be grounded until such time as an appropriate remedy has been made. Multiple offenses to the stated conditions will allow the County to permanently stop the winter heli-skiing operation.
13. By April 2015 Teton Springs Golf and Casting shall amend with County approval the Teton Springs Development Agreement to include a complete table or list of all uses within the Teton Springs PUD. In addition to including a provision for the heli-ski operations, and providing a list of all land uses, the amended Development Agreement shall define a process for reviewing and approving any alternate uses being proposed in the future. Per the Prosecutor, the uses should be specific and not probable future uses. The uses should be defined and labeled on the plat.
14. The landing pad and flight path shall not be closer than one half mile from any active eagle nesting location (as determined by GPS coordinates) throughout the months of February through June. Teton Springs Lodge shall be responsible for determining the location of active eagle nests within one half mile of proposed landing pads and flight paths starting in February with the use of a qualified biologist approved by the Planning Department or the US Fish and Wildlife Service. Additionally, Teton Springs Lodge shall coordinate directly with the US Fish and Wildlife Service on issues related to the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act. Additionally, a statement is required from the operator that they will suspend operations or provide a Plan B in the event there are nesting eagles present within 1/2 mile during helipad operations.
15. The Teton County Idaho Fire Marshal shall inspect and approve the fueling operations.

Motion seconded by Chairman Rinaldi.

Discussion - Commissioner Benedict asked that the record reflect the decision to issue a Temporary Use Permit, as allowed by Teton County regulations, is based upon hours of public comment, staff time and board deliberation over the past months during multiple public hearings. Commissioner Benedict will reluctantly vote in favor of this action, but is not pleased that the ordinances are vague and does not appreciate that the Board is placed in a position of determining the definition of allowable uses within the Teton Springs PUD. The role of any Board is to make decisions and record them in a manner that provides clarity for future boards and planning staff. He hopes this decision and the conditions attached will provide that clarity down the road.

8:28 pm Chairman Rinaldi called for a vote. The motion passed unanimously.

-
- **Motion.** 8:29pm Chairman Rinaldi moved to adjourn. Motion seconded by Commissioner Benedict and passed.

KM Rinaldi
Kathryn M. Rinaldi, Chairman

ATTEST: Dawn Felchle
Dawn Felchle, Deputy Clerk

Attachments:

1. Lucian Carter Letter

RECEIVED

2013 AUG -6 AM 11:12

TETON COUNTY CLERK

Wm. Nisbet

P.O. Box 347

Driggs, Id. 83422

wylie@ida.net

August 5, 2013

Ms. Mary Lou Hansen

Teton County Clerk

150 Ocourthouse Dr.

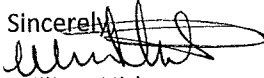
Driggs, Idaho 83422

Dear Ms. Hansen,

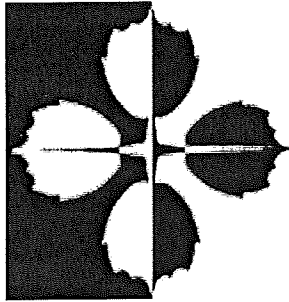
It seems that this current Heli-Operation application for Teton Springs has opened up a can of worms. There seems to be some confusion in regards to the current legal plat. I refer you to Herb Heimels letter to the commissioners dated October 10, 2012. In that letter he states that he and Dawn Feltchel did a search of the county records and could not find any legal basis for some of the amended plats for the subdivision, including public hearings, signature pages or votes by the commissioners. All would be necessary for a plat to be legal.

My dilemma is this: I own two homes in Teton Springs and have rather large lines of credit on them. My Bank is now aware that there might be some grey area in regards to a legal plat and are now telling me that they may not extend my line beyond the current due date. Would the County please tell me which plat they consider the legal plat for Teton Springs.

Thanking you in advance for your time.

Sincerely,

William Nisbet

The question then becomes whether or not the Plats contemplate the use of a commercial helipad, more specifically a heli-ski operation. This is where things get a bit convoluted. While the first set of Plats call the helipad a miscellaneous use lot, a later amendment calls it a commercial use. The change to a commercial designation on the Plat appears to have been made on a plat amendment that was recorded for a purpose unrelated to the helipad, which questions the legitimacy of the change to a commercial use of the helipad on the Plat. Dawn Felchle and I performed an electronic search of the BOCC minutes to see if we could find any resolution relating to this Plat amendment. Not only could we not find any resolution relating to this Plat amendment, but we also could not find any resolutions relating to any Plat amendments. I point this out only because I find it a bit odd, and it could be that our search methodology was flawed, I simply do not know. In addition, it is a requirement of the Declaration under Section 13.3 that any change to the Declaration or the Plat relating to the use of a lot requires approval of two thirds of the membership of the HOA. As far as I know, such a vote never took place and although this amendment may have been recorded during the period of Declarant control, I do not believe that the Declaration gave the Declarant the ability to make unilateral changes to the use of a lot.



Stephen Loosli

Report 08/01/2013 10:52 AM

Created by Stephen Loosli on 08/01/2013 10:54 AM

All Active Projects
All Users
Time Interval: 07/01/2013 — 07/31/2013

Total hours 24:34

County Planner 24:34

Default Task List 24:34

Code Studio 03:30

Stephen Loosli
07/31/2013 03:00 PM — 06:30 PM 03:30

Meetings 09:04

Stephen Loosli
07/02/2013 05:00 PM — 08:00 PM 03:00

Stephen Loosli
07/08/2013 09:00 AM — 10:30 AM 01:30

Stephen Loosli
07/21/2013 09:30 PM — 09:49 PM 00:19

Stephen Loosli
07/25/2013 12:05 PM — 12:55 PM 00:50

Stephen Loosli
07/29/2013 01:20 PM — 01:30 PM 00:10

Stephen Loosli
07/31/2013 06:30 PM — 08:00 PM 01:30

Stephen Loosli
07/31/2013 08:00 PM — 09:45 PM 01:45

Prep Time 02:00

Met with Lee Einsweiler in Driggs to coordinate planning efforts. lengthy discussion on planning philosophies, interaction between rural and urban, and localized development intensity scale.

Met with Lee Einsweiler in Driggs to coordinate planning efforts. lengthy discussion on planning philosophies, interaction between rural and urban, and localized development intensity scale.

Meet with staff before PZC meeting - 30 mins
Meet with PZC from 5:30 to 7:30 - 2 hrs
Meet with PZC Chair, Admin - 30 mins

BOCC Meeting, Report

Phone call with Commissioner Sid Kunz, providing information on contract efforts prior to BOCC meeting - I missed meeting because I was returning from vacation.

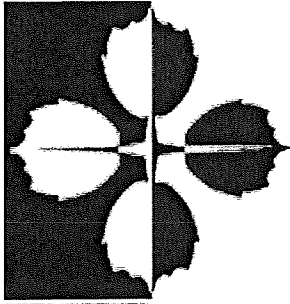
Update Tom Cluff of Fremont County on progress for HUD grant purposes - telephone call.

Call with Commissioner Sid Kunz

Met with Jeff Daugherty, Planning Director for Teton County WY, to discuss interaction between Teton ID and Teton WY, especially along shared border in Teton Valley. Also discussed coordinated admin efforts.

Met with Commissioner Kunz to discuss results of meetings with Code Studio and Teton WY and to get debriefed on his meeting with Code Studio earlier in the week. Discussed planning scenarios for rural areas to gauge political acceptability.

Stephen Loosli 07/02/2013 12:00 PM — 02:00 PM	02:00	Review comp plan for discussion with PZC on upcoming tasks.
Research	06:00	
Stephen Loosli 07/29/2013 06:00 PM — 08:00 PM	02:00	Researched and reviewed form based rural code in Woodford County, Kentucky. Spent time deliberating possible approaches to incorporate YBP Framework into rural areas of Teton. Arranged meeting with Code Studio for Wednesday, July 31st, in Victor.
Stephen Loosli 07/30/2013 04:00 PM — 08:00 PM	04:00	Spent time looking through various Western codes, including communities in Idaho, Wyoming, Montana, and Washington, evaluating concepts and approaches that simplify code language and application while still providing quality guidance in land use changes.
Staff Time	04:00	
Stephen Loosli 07/03/2013 08:00 AM — 12:00 PM	04:00	Email to Lee on behalf of PZC member (Ryan?), Report to BOCC for Monday Meeting



Stephen Loosli
5390 Marbrisa Lane
Ammon, ID 83406
stephen.loosli@gmail.com
(208) 557-9898

Invoice Number #INV-20130801-5
Date 08/01/2013
Due Date 08/15/2013

Teton County, Idaho
Chairman Kelly Park
150 Courthouse Drive
Driggs ID 83422
USA

INVOICE

Item	Description	Price/Unit	Qty	Price
County Planner	Total hours: 24:34	\$50.00	24.57	\$1,228.50
	-- Default Task List --			
	- Code Studio - 03:30			
	- Meetings - 09:04			
	- Prep Time - 02:00			
	- Research - 06:00			
	- Staff Time - 04:00			

Total \$1,228.50

Thank you for your business.

Dawn Felchle

From: Stephen Loosli <stephen.loosli@gmail.com>
Sent: Thursday, August 01, 2013 9:38 AM
To: Kelly Park; Sid Kunz; Kathy Rinaldi; Dawn Felchle
Subject: Budget Request

Commissioners,

I don't know if you have your budget wrapped up all the way or not. However, it occurred to me last night that you may not have set aside money for legal review of the code at the P&Z level. If not, I suggest that you allocate around \$5000 for legal fees to the P&Z level.

The code that comes to the BOCC for review, hearing, and possible adoption needs to be fully publicly heard AND legally reviewed by an expert land use attorney with governmental experience. There are many possible candidates for the review, and we'll cross that bridge when we get there, but it is important to budget the money for the upcoming fiscal year.

Thanks,
Stephen G. Loosli

email: stephen.loosli@gmail.com
phone: 208.557.9898



Public Hearing Procedures

Public Hearings

The following procedures shall be followed with regard to all public hearings conducted by and before the Board of County Commissioners(BOCC) and the Planning and Zoning Commission (PZC):

1. The BOCC and PZC members shall disclose whether they have viewed the property which is the subject of the public hearing. If so, they must disclose the approximate date of the site visit and the names and affiliation of everyone present during the visit.
2. The BOCC and PZC members shall disclose whether they have had any ex parte communications, defined as communication outside of a properly noticed public meeting, about the application being considered with: (a) the applicant; (b) a member of the public; (c) a representative of the applicant; and/or (d) a member of the public. All ex parte communication must be disclosed by identifying the person and the person's employment or affiliation, and by providing a description of the communication.
3. The applicant or interested party shall then be afforded the opportunity to present an explanation of the application, request or other matter being considered by the BOCC or PZC.
4. The members of the BOCC or PZC shall have the opportunity to direct questions to the applicant or interested party.
5. County staff shall present an introduction and orientation.
6. The public hearing shall then take place, and members of the public shall be afforded the opportunity to be heard. The presiding officer shall have the discretion to set limits as to the time each individual may speak which should be published in the notice for the public hearing. Each individual member of the public may only speak once at the hearing. The presiding officer shall also have the authority to set an overall time limit for the entire public hearing that should be published in the notice for the public hearings.
7. After completion of all testimony and/or public comment, the public hearing shall be closed. If the overall time limit set for the evening of the public hearing arrives prior to the close of the hearing, the hearing shall be continued and any agenda items not yet opened shall be re-noticed and rescheduled.
8. The applicant shall be afforded a right to rebut any testimony or evidence presented as public comment.
9. If any new material evidence is introduced after the public hearing is closed, the presiding officer shall again open the public hearing for the limited purpose of addressing the new evidence, in which case the applicant shall again be afforded a right to rebut any additional public testimony or evidence.
10. A decision may then be rendered on the merits of the application or matter before the BOCC or PZC. The decision shall be based on findings of fact and conclusions of law which describe the

reasons for the decision and give a specific determination of decision criteria. The findings shall be presented in writing for adoption at the next regular meeting of the BOCC or PZC.

11. Any matter under consideration by the BOCC or PZC may, by a motion properly made, seconded, and passed, be tabled to a date uncertain or continued to a date certain, at which time the matter will be taken up again for action or decision.

Motions

1. All actions and decisions of the BOCC or PZC are formalized by the process of making and voting on motions. After a public hearing is closed, the BOCC or PZC shall deliberate. After deliberation a motion shall be made and seconded. Further deliberation may occur once a motion is made and seconded. The chair shall then ask for a vote. Those members in favor of the motion say "aye"; those members opposed to the motion say "no."

2. After a motion is made, and there has been discussion on the motion, if an amendment has been suggested and discussed, then a motion to amend the motion is required. A motion should be amended as follows:

- a. A member makes a motion to amend stating the amendment.
- b. A member seconds the amendment.
- c. Chair asks for a vote on the amendment.
- d. If amendment carries, the Chair then asks for a vote on the "entire motion as amended."
- e. If amendment fails, Chair asks for a vote on the "original motion."

3. If a motion has been voted on and the motion subsequently needs to be withdrawn, then a motion to withdraw the approved motion is required. A motion should be withdrawn as follows:

- a. A member makes a motion to withdraw stating what motion is being withdrawn.
- b. A member seconds the motion to withdraw.
- c. Chair asks for a vote on the motion to withdraw.
- d. If the motion to withdraw carries, then a new motion can then be made, seconded and voted on.

4. If a motion has been voted on and if voting members believe it is appropriate to reconsider the motion, then a motion for reconsideration is required at the next scheduled regular meeting of the BOCC or PZC. A motion for reconsideration should be made as follows:

- a. A member who voted on the prevailing side of the motion in question must the motion for reconsideration stating what motion would be reconsidered.
- b. Any member may second the motion.
- c. Chair asks for a vote on the motion for reconsideration.
- d. If the motion for reconsideration carries, deliberation can then occur on the matter and a new motion can be made, seconded and voted on.

Site Visits

If the BOCC or PZC wish to conduct a site visit, a motion should be made during a public hearing to conduct a site visit on a date and time certain. In such a case, the site visit should be conducted by the presiding officer in a manner similar to any other public meeting and an audio recording should be maintained of the site visit.

Dawn Felchle

From: Angie Rutherford
Sent: Wednesday, July 31, 2013 5:39 PM
To: Kelly Park; Kathy Rinaldi; Sid Kunz
Cc: Dawn Felchle
Subject: Overtime Approval for Tom Davis and Wendy Danielson

Hello Commissioners,

You tabled the decision to approve overtime for Tom Davis and Wendy Danielson last Monday. I strongly urge you to consider approving overtime hours, up to 12 per person per week, for both at your next opportunity. The piles of applications are stacking up faster than the department can process them, and this is occurring with a planner still in the office. There is more work for the two of them than 80 hours per week and something will need to give.

I also continue to recommend a spot award, particularly for Wendy, for the added workload she has taken on in the past four months and will continue to have on her plate, indefinitely.

Thanks,
Angie

Angie Rutherford
Planning Administrator
Teton County, Idaho
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WK: 208-354-0245

**Teton County Engineer
MEMO**

150 Courthouse Drive
Driggs, ID 83422

August 8, 2013

TO: Board of County Commissioners' & Teton County Fair Board
FROM: Teton County Engineer - Jay T. Mazalewski, PE
SUBJECT: Arena Addition – Summary

The following is a status report of the Arena Addition. This status includes the current information I have and additional information that will be needed for this project.

Background:

The Fair Board would like to expand the existing steel building to the east and enclose the north and east sides of the new addition with metal siding. This project is a Public Works project and must comply with design and procurement standards outlined by the State of Idaho. This project was originally bid in 2012, however only one bidder responded and the bid was over budget and therefore the bid was rejected.

A new approach was suggested and it was determined that a better price may be achieved by bidding the materials and erection/construction separately. A draft of the material bid for the metal structure has been prepared. No progress has been made on drafting a bid/contract for construction/erection.

Existing Documents:

Preliminary structural plans, prepared by R&M Steel
Concrete footing plans, prepared by AW Engineering
DRAFT Request for Bids for Steel Structure Materials

Next Steps:

Coordinate with other Agencies	10 Days
Finalize Steel Structure Material Bid	3 Days
Draft Construction/Erection Bid and Contract	5-8 Days
Review with Fair Board	1 Day
Release/Accept Bids	14-21 Days
Fair Board/BoCC Award Bids	2 Days
Sign Contracts/Notice to Proceed	2 Days

(Award/Contract Start if all goes perfectly: 10/14/2013)

Outstanding Issues:

Coordinate with City of Driggs Area of Impact & Airport Board (if needed)
Coordinate with Department of Health
Coordinate with Fire Department
Ensure proposed building will meet building code/requirements for the proposed use:
 Parking Requirements
 ADA Requirements
Coordinate with Fair Board: Does this fit the Master Plan & Capital Improvement Plan?

Outstanding Questions (note there may be more):

Who is responsible for the documenting the work outlined above was completed?

Who designs/stamps the site plan?

Do we need an architect stamp for a public building?

In this building subject to impact fees?

Who writes the specifications for the erection, concrete, site work, etc?

Is the erection of the building, site work, concrete work all one contract?
(Recommended, unless we hire a construction manager)

There is no electrical, plumbing, HVAC, or other trade work for this project
(If there is, it must be bid out as part of the contract or wait until next year)

Are there any architectural features or colors proposed/required?

Is any signage proposed or required?
(If so, may need permits)

Are there any doors/windows as part of this project (who specifies/coordinates)?



Board of County Commissioners

Memo: July 23, 2013 **REVISED 8/9/2013**

From: Dawn Felchle, Assistant to Board

To: Teton County Fair Board
Board of County Commissioners
Teton County Prosecutor
Teton County Clerk/Auditor

Re: Arena Fund – Donor List Update for Written Communication Purposes

Attached you will find a “best guess” list of donors who have given to the Arena Fund since 2005 either through a direct donation or the purchase of a raffle or silent auction item and who PAID with a check. In addition, there is a year-by-year breakdown of revenue vs. expenses since FY 2006.

For the purposes of the Tenney’s \$114,188 match, all cash received was matched bringing balance to \$228,376 + \$20,000 the Tenney’s donated PRIOR to the match for a total of **\$248,376** as of March 2008. Since **March of 2008*** there have been additional contributions (most notably through Tin Cup), interest credited by the treasurer on the balance, less expenses incurred for fund raising events and for architectural services. As of August 9, 2013 the balance is **\$247,128.64 for a net loss of \$1,247 over a five+ year period (63 months).**

**In March of 2008 Teton County cut a check in the amount of \$135,811.62 to the Teton Regional Land Trust per the Tenney’s and their attorney’s request for lack of performance (breach of contract) based upon the original conditions of the \$250,000 match. The County was able to provide evidence of funds raised in the amount of \$114,188 so that was the matching gift from the Tenney’s.*

There is also \$13,832 in Impact Fees available for CAPITAL improvements at the Fair Grounds.

Suggested WRITTEN communication to large donors (\$500+)
All Communication Must Be Approved By The Prosecutor

1. Thank the donor for their substantial monetary gift and their continued support of the indoor riding arena over the past 6 years.
2. List the day-to-day capital needs of the fairgrounds (4-H, Fair, Rodeo, etc.).
3. Explain the business plan (1, 5 & 10-year).
4. Tell the priority and how, with their permission, their money (the \$247K) is going to be invested over the next 12 months (prepares you for an improved facility for 2014 County Fair)
5. Enclosures: Waiver Form, Space for Comments or Suggestions & Return Envelope
 - ☐ Yes – I want the Teton County Fair Board to Use my Arena Fund Donation to make capital improvements to the Teton County Fair Grounds.
 - ☐ No – I do want the Teton County Fair Board to Use my Arena Fund Donation for anything other than an indoor riding arena.
 - ☐ No – Please transfer my funds to the following approved 501c(3) organization. *You must include documentation of your cash-charitable donation amount. Purchase of silent auction items do not constitute a charitable donation as you received an item of value.*
6. Deadline to reply is 30 days (insert specific date). A non-reply is the same as a Yes response, allowing the funds to be used for capital improvements as the Fair Board sees fit, and as approved by the Board of County Commissioners.
7. In addition, advertisements should also be placed in local papers to allow those under the \$500 threshold to express their desires as well. A good faith effort must be made to inform donors of the “new plan”.

Teton County Arena Fund Update

as of August 9, 2013

Original Match Dollars Included - 2006

Fiscal Year	Revenue	Expenses
2006	\$ 315,107.09	\$ 27,354.35
2007	\$ 30,610.11	\$ 8,702.75
2008	\$ 76,963.45	\$ 148,463.72
2009	\$ 17,178.82	\$ 6,965.16
2010	\$ 605.90	\$ 8,125.82
2011	\$ 6,592.25	\$ 5,537.50
2012	\$ 7,018.99	\$ 1,720.72
2013	\$ 95.00	\$ 172.95
	\$ 454,171.61	\$ 207,042.97

Current Balance \$247,128.64

Activity less Return of Tenney \$\$\$

Revenue	Expenses
\$ 179,295.47	\$ 27,354.35
\$ 30,610.11	\$ 8,702.75
\$ 76,963.45	\$ 12,652.10
\$ 17,178.82	\$ 6,965.16
\$ 605.90	\$ 8,125.82
\$ 6,592.25	\$ 5,537.50
\$ 7,018.99	\$ 1,720.72
\$ 95.00	\$ 172.95
\$ 318,359.99	\$ 71,231.35

March 2008 Transfer of **\$135,811.62** to Teton Regional Land Trust Request of Stu Tenney

Arena Committee has raised 184,171.99 excluding Tenney Funds @ a cost of \$71,231.35



FROM: Planning Staff, Angie Rutherford
TO: Board of County Commissioners
RE: Impact Fee Expenditures
DATE: August 1, 2013
MEETING: August 12, 2013

Impact Fee Expenditures:

In order for money that has been collected as impact fees to be spent, a few conditions must apply.

1. The expenditure must be articulated in the Capital Improvements Plan.
2. The expenditure must be a “capital” expense with a lifespan of 10 years or more.
3. The expenditure must be for a capital expense that is the result of new development.

Impact fee money may not be spent on maintenance and upkeep or on a deficiency. In other words, if there is not enough recreation space (square footage) for our current population as identified in the capital improvements plan, impact fees could not be used to increase the recreation space until the deficiency is paid for by other means. So if a new facility was to be built down the road, funding for the deficit of recreation space would need to come from other means, but then building above and beyond the deficit to accommodate future growth would qualify for impact fees. Likewise, if a road falls apart because of normal wear and tear, it cannot be resurfaced to its current state with impact fees, but if it was to be rebuilt to accommodate additional traffic due to new residents, then impact fees could be used.

While we have not have very many opportunities to spend impact fee funds, we have asked the Impact Fee Advisory Committee (IFAC) to make a recommendation about expenditures, however this is not required by state statute.

To amend the Capital Improvements Plan (CIP), The IFAC should recommend those changes to the BOCC. It is required by state statute for the IFAC to meet annually and review the CIP. I interpret that to mean that amendments to the CIP need to pass through their committee, but ultimately their recommendation will need to be approved by the BOCC. The IFAC has done research in the last year about how to amend the CIP, who is qualified to make the amendments and what scope can be amended. Basically the IFAC can do much of it themselves. Projects can be replaced (i.e. it is my recommendation to replace some of the large projects with several small projects), but projects cannot be added indefinitely. Hofman Consulting was consulted and I’ve attached that correspondence.

From Curt Moore to Angie Rutherford, March 4, 2013

Angie,

I called Bill Hofman back and have documented the input I received in the format of your questions, which we went through individually. Bill was quite forthcoming with some advice and he was willing to participate in a conference call with our Impact Fee Advisory Committee. He would answer their questions directly.

Hello Bill,

I just spoke with your office and learned you are away until next Wednesday, but want to get some questions in the queue for when you get back.

Hofman Planning & Engineering wrote the Development Impact Fee Program for Teton County, ID in 2008. We are looking at updates and have some questions.

1. Who can update the Capital Improvements Plan?

Bill's interpretation of the Idaho Statutes is that a "qualified entity or professional" is to be used for devising the Impact Fee Program, which must comply with the State Statutes. By using a qualified professional for the initial study, a jurisdiction strengthens its position in case of a legal challenge. Having said that, Bill had a different perspective on the CIP elements of the Hofman report. First, he said the population-growth rates do matter for purposes of making projections about the building of capitol facilities. However, he said the overall impact fee program is promulgated on a theoretical build-out population and what capitol facilities are usually required to provide an acceptable level of service. He felt it was a jurisdiction's yearly responsibility to evaluate the community growth, the available funds, and the priority of needs of the community. He felt the phasing or timing of the various capital projects was what a jurisdiction would look at, usually on an annual basis. When the growth rates slow down, the jurisdiction may have to re-evaluate the order of development of the identified projects or even change the projects themselves.

Can this be done by staff or does it need to go to a consultant? I presume it *can* be done by staff, but will it be legally defensible if we do?

Bill stated that the level of risk varies from place to place, so using a consultant might allow for more defensible outcomes and is advisable in litigious communities, (remember he is located in Southern CA). However, he said that jurisdictions commonly undertake updates on the CIP elements of an impact fee program with in-house staff that coordinates with the individual department/ fee categories. This is a different exercise than rewriting or changing the impact fee study.

If we, staff, update the plan, I presume you will want us to remove your name from the document, or do we say something to the effect of "as amended by Teton County, 2013."

The existing study would stand "as is" and an updated supplement could be authored by us-or whoever contributed to the update document. I mentioned our Fire District did this and Bill said that it is fairly common to do an in-house update on the CIP.

2. If we were to hire a consultant (Hofman?) to update the CIP, what is a ballpark figure of what it would cost?

Bill volunteered to be available at an Impact Fee Advisory Committee meeting via telephone. He recently worked in a very comparable CIP update in the City of Sprit Lake, Idaho. He said the situation was quite similar and the cost to the city was about \$16,000. The city interviewed each department and reset the capitol improvements. Bill mentioned the cost of the studies can be rolled into the impact fee.

I got the subtle impression that Bill thought a jurisdiction could simply re-evaluate each category's CIP as an in-house project and that may not typically need a consultant's assistance.

3. What are the liability issues of changing the CIP?

Liabilities associated with implementing the timing and choice of CI projects is low. Changing the priorities of projects and even substituting different projects for previously identified projects is a normal and expected part of implementing any CIP. However, if adding or subtracting new projects, then this could affect the overall impact fee collections and the amount charged at building permit.

For example, it is far better to look at Project X's dollar amount (of say \$30,000 for a single road improvement) and decide to eliminate Project X and then substitute five lesser road projects (\$6000 each) that total \$30,000. If the five projects substitutions are less total money, then a citizen challenge might be successful. Those who have already paid would have a strong challenge for a refund. In the case of fewer, less expensive capital improvements, it would be more appropriate to recalculate the impact fee based on the different, less expensive projects.

So it is permissible to change the CIP and change projects within a category, but adding or subtracting projects that changes the overall amount needed causes problems. That can be avoided by keeping the category's overall amount about the same. Bill used the term "equivalency" .

4. Do we need to change growth rates (i.e. if growth rates are reduced and therefore, fewer improvements are needed, the cost/new residence might not change)?

Bill basically agreed with Ken Dunn's assessment that decreased capital needs from a lower rate of growth would likely be offset by fewer contributors to those needs.

If the build-out number is the same, does it matter?

No. However, the timing of developing a given facility will be affected by the growth rate, so short-term projects may become longer-term projects. Smaller, less costly projects might be used instead of waiting for funds to accrue for a larger project. The mandated return of unused impact fees after 7 years is a factor (extensions possible) for using them in a different way than originally projected, especially when a slowdown has taken place.

Also, what if, realistically, we will never get to build-out (this backed up with a statement in the comprehensive plan to reduce potential future growth- i.e. number of potential new homes in the full build-out scenario)?

There is indeed a difference between a change in the growth rate (and how the timing of facilities are developed) – versus- a change in Comp Plan and zoning district densities. A down-zoning or change in the specified zoning densities would entail a recalibration of build-out and the associated population numbers might change the capitol facilities that are needed, or where they might be distributed.

5. Is it a big issue to add/change projects to the CIP now that we see what has happened "after the bust" and we see where growth has/hasn't occurred?

No, it is a normal function of the jurisdiction to re-evaluate new and changed capitol needs- even to do it on a yearly basis.